3033

THE LAWES OF VIRGINIA

Now in Force:

Collected out of the *Assembly Records*, and Digested into one Volume.

Revised and Confirmed by the *Grand Assembly* held at *James-City*, by Prorogation, the 2d of *March* 1661. in the 13th Year of the Reign of our Soveraign Lord

King Charles the II.

LONDON:

Printed by *E. Cotes*, for *A. Seile* over against St. *Dunstans* Church in *Fleet-street*. M. DC. LXII.

Law
Office
Va.
2
1662

For the Honourable

Sr William Berkeley.

Most Honoured Sir,

SInce you care impos'd on me and the Clerk of the *Assembly*, the charge to peruse our Laws, and to reduce them into as good a Form, as our weak abilities could perform; I thought my self obliged to render you an accompt of our performance; which might, perhaps, have been better done, had not the Troubles of the Indians, and Quakers, and other emergent Occasions of the Publique, depriv'd me of much of that time I had devoted to that most serious Imployment.

However, Sir, as they are (since the *Assembly* hath approv'd them, and Ordered them to be put in Print) I thought it my duty to Dedicate them to your Patronage, who, of the most and best of them, was the only Author.

Little addition there is to what your self had done in the time of your Government, only what vitious Excrescencies had grown in the body of them, by the corrupt humor of the times, we have throughly purg'd them of, that we might not any where leave unrazed the memory of our enforc'd Defection from his Sacred Majesty; for whom, your prudent care so long preserved the Countrey, both from the ruine we were almost brought to by that desperate Warr with Opechankevogh, whose Conquest (had not the Cloudiness of those times obscured the glory of it) could not have lost the esteem of being one of the most important Services, that, perhaps, had been rendred in many years before to the Crown.

thing hapning at any time ſince any Law was in force; and have alſo endeavoured in all things, as near as the capacity and conſtitution of this Countrey would admit, to adhere to thoſe Excellent, and often refined Laws of *England*, to which we profeſs and acknowledge all Reverence and Obedience; and that the Laws, made by us, are intended by us but as brief Memorials of that, which the capacity of our Courts is utterly unable to Collect out of its vaſt Volumns, though ſometimes perhaps, for the difference of our and their Condition, varying in ſmall things, but far from the preſumption of contradicting any thing therein contained. And, becauſe it is impoſſible to honour the King as we ſhould, unleſs we ſerve and fear God as we ought; and that they might ſhew their equal care, they have ſet down certain Rules to be obſerved in the Government of the Church, untill God ſhall pleaſe to turn his Majeſties pious thoughts towards us, and provide a better ſupply of Miniſters among us.

Be it therefore Enacted by the Governour, Council, and Burgeſſes of this Grand Aſſembly, That all the following Laws, continued or made by this Aſſembly, ſhall be hereafter reputed the Laws of this Countrey, by which all Courts of Judicature are to proceed in giving of Sentence, and to which all perſons are ſtrictly required to yield all due Obedience; and that all other Acts, not in this Collection mentioned, be to all intents and purpoſes utterly Abrogated and Repealed, unleſs Suit be Commenced for any thing done in the time when a Law, now repealed, was in force; in which caſe, the producing that Law ſhall excuſe any perſon for doing any thing according to the Tenor thereof.

I.

Church to be built, or Chappel of Eaſe.

BE it Enacted, for the advancement of Gods Glory, and the more decent Celebration of his Divine Ordinances, Tnere be a Church decently built, in each Pariſh of the Countrey, unleſs any Pariſh as now ſetled, by reaſon of the fewneſs or poverty of the Inhabitants, be incapable of ſuſteining ſo great a Charge: In which caſe, It is Enacted, That ſuch Pariſhes ſhall be joyned to the next great Pariſh of the ſame County, and that a Chappel of Eaſe be built in ſuch places, at the particular Charge of that place.

II. *Veſtries*

II.

Veſtries appointed.

THat for the making and proportioning the Levies and Aſſeſſements for building and repairing the Churches and Chappels, proviſion for the Poor, maintenance of the Miniſter, and ſuch other neceſſary uſes, and for the more orderly managing all Parochial affairs: Be it Enacted, That Twelve of the moſt able men of each Pariſh, be by the major part of the ſaid Pariſh, choſen to be a Veſtry; out of which number, the Miniſter and Veſtry to make choyce of two Church-wardens yearly, as at, ſo in caſe of, the death of any Veſtry-man, or his departure out of the Pariſh, that the ſaid Miniſter and Veſtry, make choyce of another to ſupply his room. And be it further Enacted, That none ſhall be admitted to be of the Veſtry, that doth not take the Oaths of Allegiance and Supremacy to his Majeſty, and ſubſcribe to be conformable to the Doctrine and Diſcipline of the Church of *England*.

III.

Glebes to be laid out.

THat for the better encouragement and accommodation of the Miniſtery, there be Glebes laid out in every Pariſh, and a convenient Houſe built for the Reception and abode of the Miniſter according to his Majeſtie's Inſtructions, and that ſuch Proviſion be made for his maintenance in the valuable and currant Commodities of the Countrey, as may be really worth fourſcore pounds *per annum*, beſides his Perquiſites and the Glebe (*viz.*) if in Tobacco at the rate of twelve ſhillings the hundred, in Corn at ten ſhillings the Barrel; if in Money, by Bills of Exchange, ſecurity to be given for the certain payment; and in caſe of Proteſt to be recovered here with Fifty *per cent.* for damages.

IV.

Miniſters to be Inducted. 1642.

THat for the preſervation of Purity and Unity of Doctrine and Diſcipline in the Church, and the right Adminiſtration of the Sacraments, no Miniſter be admitted to officiate in this Countrey, but

ſuch as ſhall produce to the Governour a Teſtimonial, that he hath received his Ordination from ſome Biſhop in *England*, and ſhall then ſubſcribe to be conformable to the Orders and Conſtitutions of the Church of *England*, and the Laws there eſtabliſhed; upon which the Governour is hereby requeſted to induct the ſaid Miniſter into any Pariſh that ſhall make preſentation of him. And, if any other perſon pretending himſelf a Miniſter, ſhall, contrary to this Act, preſume to Teach or Preach, publiquely or privately, the Governor and Council are hereby deſired and impowred to ſuſpend and ſilence the perſon ſo offending, and upon his obſtinate perſiſtence, to compel him to depart the Countrey, with the firſt convenience, as it hath been formerly provided by the 77th. Act made at *James*-City, the ſecond of *March*, 1642.

V.

Miniſters to provide Readers, 1661.

THat every Pariſh not having a Miniſter to officiate every Sunday, do make choice of a grave and ſober perſon of good life and converſation, to read Divine Service every intervening Sunday at the Pariſh-Church, when the Miniſter preacheth at any other place.

VI.

Liturgie to be read.

THat the Canons ſet down in the Liturgie of the Church of *England*, for celebrating Divine Service, and Adminiſtration of the Sacraments, be duly obſerved and kept; and that the whole Liturgie, according to the ſaid Injuctions, be by the Miniſter or Reader, at Church and Chappel every Sunday, throughly read.

VII.

Church-Catechiſm.

THat neither Miniſter nor Reader teach any other Catechiſm then that by the Canons appointed and inſerted in the Book of Common-Prayer; and that the Miniſter Expound no other then that, that our Fundamentals, at leaſt, may be well laid; and that no Reader upon preſumption of his own abilities do attempt

tempt the Expounding that or any other Catechiſm, or the Scriptures.

VIII.

Miniſters to Preach Weekly.

THat the Miniſter of every Pariſh preach conſtantly every Sunday; (*viz*). one Sunday in a Moneth at each Chappel of Eaſe in his Pariſh, if there be any, and the other in his Pariſh Church; and that twice a year, at leaſt, he adminiſter the Sacrament of the Lords Supper there.

IX.

Sundays not be Prophaned.

THat the Lords day be kept Holy, and that no Journeys be made on that day, except in caſe of emergent neceſſity, and that no other thing be uſed or done, that may tend to the prophanation of that Day; but that all and every perſon and perſons inhabiting in this Countrey, having no lawful excuſe to be abſent, ſhall upon every Sunday, and the four Holy-dayes hereafter mentioned, diligently reſort to their Pariſh Church or Chappel accuſtomed, then and there to abide orderly and ſoberly during the time of Common-Prayers, Preaching, or other Service of God; upon penalty of being fined Fifty pounds of Tobacco by the *County-Court*, upon preſentment made by the Church-wardens, who are to collect the ſame with the Pariſh-levies. Provided alwayes, That this Act conclude not Quakers, or other Recuſants, who out of Non-conformity to the Church, totally abſent themſelves, but that they ſhall be lyable to ſuch fines and puniſhments as by the Statute of 23. of *Eliz.* are impoſed on them, being for every Moneth's abſence, Twenty pounds Sterling; and if they forbear a Twelve-Moneth, then to give good ſecurity for their behaviour, beſides their payment for their Monthly abſence, according to the tenor of the ſaid Statute; and, that all Quakers for Aſſembling in unlawful Aſſemblies and Conventicles, be fined, and pay each of them, there taken, two hundred Pounds of Tobacco for each time they ſhall be, for ſuch unlawful meetings, preſented by the Church-wardens to the *County-Courts*.

X.

January *the* 30th. *to be kept a Faſt.*

WHereas our late Surrender and Submiſſion to to that Execrable Power that ſo bloodily Maſſacred the late King *Charles* the Firſt, of ever-bleſſed Memory, hath made us by acknowledging them guilty of their Crimes, to ſhew our ſerious and hearty Repentance and Deteſtation of that barbarous Act: Be it Enacted, That the Thirtieth of *January*, the day the ſaid King was Beheaded, be annually ſolemnized with Faſting and Prayers, that our Sorrows may expiate our Crime, and our Tears waſh away our Guilt.

XI.

May 29th *to be kept Holy.*

SInce God of his mercy hath been pleaſed to Reſtore our late Diſtracted Kingdoms to Peace and Unity, and his late diſtreſſed Majeſty to the Throne of his Royal Anceſtors: Be it Enacted, That in teſtimony of our Thankfulneſs and Joy, the Twenty-ninth of *May*, the day of his Majeſtie's Birth and happy Reſtitution, be annually Celebrated as an Holy-day.

XII.

None to be Married but by Miniſters, nor by them but by Licence or Publiſhing the Banes.

THat no Marriage be Solemnized, or reputed valid in Law, but ſuch as is made by the Miniſter, according to the Laws of *England*; and that no Miniſter Marry any perſons without Licence from the Governour or his Deputy, or Thrice publication of Banes, according to the preſcription of the Rubrick in the Common-prayer-Book, which enjoynes, that if the Perſons to be Married, dwell in ſeveral Pariſhes, the Banes muſt be asked in both Pariſhes; and that the Curate of the one Pariſh ſhall not Solemnize the Matrimony, until he have a Certificate from the Curate of the other Pariſh, that the Banes have been there Thrice publiſhed, and no Objection made againſt the parties joyning together: And if any Miniſter ſhall, contrary to this Act, Marry any Perſons, he ſhall be fined

fined Ten thouſand pounds of Tobacco: And any pretended Marriage, made by any other then a Miniſter, be reputed Null; And the Children born out of ſuch Marriage of the Parents, eſteemed Illegitimate; and the Parents ſuffer ſuch Puniſhment, as by the Law prohibiting Fornication, ought to be inflicted.

XIII.

Church-wardens to make Preſentment.

THat the Church-wardens ſhall twice every year (*viz.*) in *December*-Court, and *April*-Court, deliver a true Preſentment, in writing, of ſuch Miſdemeanors, as by their knowledg, or by common fame, have been committed whilſt they have been Church-wardens; Namely, Swearing, Prophaning Gods holy Name, or Sabboth; abuſing, or contemning his holy Word and Sacraments, or abſenting themſelves from the exerciſe thereof; as alſo of thoſe foul and abominable ſins of Drunkenneſs, Fornication, and Adultery; and of all malitious and envious Slandering and Backbiting. For the better manifeſtation whereof, the ſaid Church-wardens are Impowred, to cauſe all ſuch perſons, upon whoſe Reports they ground their Preſentments, to appear at the reſpective County-Courts to which the Preſentments are made, to give in their Evidences concerning the ſame.

XIV.

Burial of Servants, or others, privately; Prohibited.

WHereas the private Burial of Servants, and others, give occaſion of much Scandal againſt divers perſons, and ſometimes not undeſervedly of being guilty of their Deaths; from which, if the perſons ſuſpected be innocent, there can be no Vindication; nor if guilty, no puniſhment, by reaſon they are, for the moſt part, Buried without the knowledg or view of any others then ſuch of the Family, as by nearneſs of relation, as being Husband, Wife, or Child are unwilling, or as Servants are fearful, to make diſcovery, if Murther were committed; for Remedy whereof, as alſo for taking away that Barbarous Cuſtom, of expoſing the Corps of the Dead (by making their Graves in common and unfenced places) to the prey of Hoggs, and other Vermine: Be it Enacted, That there be in every Pariſh, three, or four, or more, places appointed, according to the greatneſs or littleneſs of the ſame, to be ſet a-part and fenced in, for places of publique Burial, for that Precinct;

and further, that before the Corps be Buried, there be, at leaſt, three or four of the Neighbours called: who may, in caſe of ſuſpition, view the Corps; and, if none, yet, according to the decent Cuſtom of all *Chriſtendom*, they may accompany it to the grave. And be it further Enacted, That no perſons, whether free or ſervants, ſhall be buried in any other place then thoſe ſo appointed; unleſs ſuch, who by their own appointment in their life-time, have ſignified their deſire of being interred in any particular place elſewhere.

XV.

Church-wardens to keep the Church in Repair, and provide Ornaments.

AND it is further Enacted, That the ſaid Church-wardens take care, and be impowred, during their Church-wardenſhips, to keep the Church in repair, provide Books and decent Ornaments, (*viz.*) a great Bible, two Common-Prayer-Books, a Communion-Cloth and Napkins, a Pulpit and Cuſhion this preſent year; and after annually ſomething towards Communion-Plate, Pulpit-Cloth, and Bell, as the ability of the Pariſh will permit: And that they the ſaid Church-wardens, do faithfully collect the Miniſters dues, cauſe them to be brought to convenient places, and honeſtly pay them; and that of all their Diſburſements, and Receipts, they give a true accompt to the Veſtry, when by them required, who are impowred, by a former Branch of this Act, to levy the ſame upon the Pariſh; and by this, to give the ſaid Church-wardens a ſufficient diſcharge.

XVI.

Regiſters to be kept by the Miniſters or Readers.

WHereas many differences do frequently ariſe about the age of Orphants, and enquiries are often made for perſons Imported into this Countrey, and here deceaſed, and no poſitive Certificates can be granted of the Age of one, or Death of the other, by reaſon no Regiſters have been kept, which might, by the Record there entred, evidence the ſame: Be it therefore Enacted, That the Miniſter or Reader of every Pariſh, ſhall well, truly, and plainly, Record all Births, Burials, or Marriages, that ſhall happen within the Precincts of that Pariſh, in a Book to be provided by the Veſtry for that purpoſe. And, if any Maſter of a Family, or other perſon concerned, ſhall omit the giving notice to the ſaid Miniſter or Reader,

of

of the day of the Birth, Death, or Marriage, of any to him or them related, the ſpace of a Moneth, ſuch perſon for ſuch his neglect, be fined One hundred pounds of Tobacco: And that the Miniſter have for their entry of ſuch Birth, Death, or Marriage, Three pounds of Tobacco; and if they neglect entring the ſame, as aforeſaid, that they be fined, upon diſcovery made of the ſaid neglect, five hundred pounds of Tobacco to the uſe of the Pariſh.

XVII.

Licences for Marriage how to iſſue.

AND whereas many times Licences are granted, and the perſons are Marryed out of the Pariſhes, which Licences have been uſually granted by the Governour, whoſe knowledg of perſons cannot poſſibly extend over the whole Country: Be it Enacted, That henceforward, all perſons deſiring Licences for Marriage, ſhall firſt repair to the Clerk of the County-Court, and there give Bond, with good Security, that there is no lawful cauſe to obſtruct their ſaid Marriage; and that upon receipt of ſuch Bond, the ſaid Clerk ſhall write the Licence, and certifie to the firſt in Commiſſion for that County, or ſuch other whom it ſhall pleaſe the Governour to Depute, that he hath taken a Bond, as aforeſaid; who, by vertue thereof, ſhall ſigne the ſaid Licence, and direct the ſame to the Miniſter. And to the end that the legal Grant of the ſaid Licence may be made Evident, and the Governour aſcertained of his juſt dues: It is further Enacted, That the ſaid Clerk ſhall yearly, in *September*-Court, return the Names of the parties Marryed, and of the Security, to the Secretaries Office, there to be Recorded; and further, that he deliver an accompt of the Fees due for the ſaid Licences, to the Sheriff or Collector of the County, who is hereby required to Collect the ſame with the Levies, and to make payment thereof to the Governour, and others, to whom they are due: And any Clerk making default in any of the premiſes, to forfeit One thouſand pounds of Tobacco, to the uſe of the Governour. The Fees for the Licences, to be as followeth (*viz.*) to the Governour, Two hundred pounds of Tobacco, or Twenty ſhillings ſterling; to the Clerk for writing the Bond, Licence, Certificate, and returning the ſame to the Office, Fifty pounds of Tobacco; and to the Secretary for Recording the ſame in the Office, as aforeſaid, Forty pounds of Tobacco; and the Miniſter Marrying with a Licence, Two hundred pounds of Tobacco, or Twenty ſhillings ſterling; if by Banes, Fifty pounds of Tobacco, or five ſhillings.

XVIII.

Proviſion for a Colledge.

WHereas the want of able and faithful Miniſters in this Countrey, deprives us of thoſe great bleſſings and mercies, that alwayes attend upon the Service of God, which want by reaſon of our great diſtance from our Native Countrey, cannot in probability be alwayes ſupplyed from hence: Be it enacted, That for the advance of Learning, Education of Youth, Supply of the Miniſtry, and Promotion of Piety, there be Land taken up or purchaſed for a Colledge and Free School, and that there be with as much ſpeed as may be convenient houſing Erected thereon for entertainment of Students and Scholars.

Whereas an Antient practice of this Countrey, hath, contrary to Law and Reaſon, ignorantly veſted the Lands of perſons inteſtate in the hands of Adminiſtrators, of whom divers perſons have purchaſed, and hold their Lands by no other Titles, then ſuch ſales which can be of no validity againſt the claim of the King, whom no time can preſcribe, and to whom, if an Heir appear not, the Land muſt of neceſſity devolve. And if the King ſhould at any time, give expreſs Order to an Eſcheater to make inquiry into the Titles we hold by; the ſaid Eſcheater cannot, by vertue of his Office, but find all ſuch Lands for the King, which we *Francis Moriſon*, and *Thomas Ludwell*, who are, at preſent, intruſted by his Majeſties Treaſurer to make compoſition for all Lands ſo Eſcheated to his Majeſty, taking into our ſerious conſideration, and out of our tender care of many poor men, who by the loſs of Lands, thus perhaps dearly purchaſed, and honeſtly payd for; and out of our ſenſe of the many inconveniences, and great damages would fall upon them by being ouſted out of their Poſſeſſions by the ſeverity of a too rigorous Eſcheator; and that, on the other ſide, we might not ſeem to debarr his Majeſty of his juſt Rights: we have thought it convenient to propoſe a certain Rule for Compoſitions for all Lands held by any pretended Right two years, by which, while the power is in our hands, we ſhall proceed: and if the Aſſembly think it a favour, we ſhall joyn with them, making it our requeſt to Major *Norwood*, his Majeſties Treaſurer, to get his Majeſty to confine them, that no ſucceeding Eſcheator may at his pleaſure rigorouſly exceed theſe our moderate and reaſonable Demands.

1. We concede, that any perſon, having been two years in poſſeſſion of any Land that ought to have been veſted in his Majeſty by Eſcheat, ſhall pay for his Compoſition but one Hundred Pounds of

of Tobacco for every fifty acres, beſides the Fees for finding the Office, and drawing the Conveyance.

2. That every perſon having been ſo in poſſeſſion two years as aforeſaid, ſhall have Eight Months time to petition for, and make their Compoſition; but if they defer it longer, and another ſue for it, and obtain it, they can impute the blame to nothing but their own neglect.

3. That where there is a Widdow, ſhe ſhall enjoy the Land of her Husband during her life, and be admitted, in the firſt place, to make her Compoſition for the Fee-ſimple, in caſe ſhe ſignifie her deſire within the time aforeſaid.

That all Lands eſcheated before the two years aforeſaid, the perſon concerned ſhall pay for his Compoſition as aforeſaid; but all Lands, which ſhall hereafter lapſe, or which have lapſed within the two years laſt paſt, the Compoſition to be made for, with thoſe by his Majeſties Treaſurer appointed and authorized thereunto; and that the Widdow be admitted in the firſt place, ſhe making her claim within Eight Months according to the Propoſition aboveſaid.

XIX.

Courts.

WHereas the name of Quarter-Courts is altogether unſuitable to the nature of thoſe Courts held by the Governour and Council, both in reſpect there are but three of thoſe Courts in the year, as alſo, becauſe they are not equally diſtributed in the Quarters of the Year; *September* and *November* being too neer, and *March* too long from them, to admit of that Title. Be it therefore enacted, That the ſaid Courts be no longer ſtiled Quarter-Courts, but that they be henceforth called General-Courts; a name more ſuitable to the nature of them, as being places where all perſons and cauſes have generally audience, and receive determination.

Whereas the Acts of Aſſembly already made, are very defective in preſcribing the Rules to be obſerved in the proceedings both in thoſe General, and the particular County-Courts, for want whereof, many errors are committed; the reſpects due to the Courts ſo nearly repreſenting His Majeſties ſacred Perſon, by the clamorous unmannerlineſs of the people, loſt: and the Order, Gravity, and Decorum, which ſhould manifeſt the authority of a Court, in the Court it ſelf neglected: And in regard the long omiſſion of thoſe hugely material, though, in themſelves little things of form, hath cauſed all things ſtill to continue in the firſt diſorders; It hath appeared neceſſary to this preſent Grand Aſſembly, to ſet down the Rules and Forms themſelves for the beginning, continuance, and proceedings in the ſaid Courts, as fol-

loweth And it is therefore enacted, That the *General-Courts* begin and continue, as followeth (*viz.*)

General Courts to begin and continue.

That *March* Court begin the Twentieth of *March*, if it be not Saturday or Sunday; and then the Munday following; and hold eighteen dayes, not accounting Sundays in the number.

That *September*-Court begin the Twentieth of *September*, if it be not Saturday or Sunday. and then to begin the Munday following; and hold Twelve dayes, not accompting Sundayes in the number.

That *November*-Court begin the Twentieth of *November*, if it be not Saturday or Sunday; and then to begin the Munday after; and hold twelve dayes, not accounting Sundayes in the number.

That Adjournments of the said Courts, be alwayes avoided, and that they begin precisely upon the day, that all persons knowing the day of the return of the Writs, may accordingly give their attendance.

Stile how entred.

That the Stile of the Court be entred thus.

At a General Court held at *James*-City, the twentieth of by His Majesties Governour and Council, in the year of the Raign of our Soveraign Lord *Charles* the Second, by the Grace of God, of Great *Britain*, *France*, and *Ireland*, King; Defender of the Faith, *&c.* and in the year of our Lord God present.

Insert the name of the Governour and Council.

Silence commanded.

Then let the Cryer or under-Sheriff make Proclamation, and say,

O Yes, O Yes, O Yes: silence is commanded in the Court, while His Majesties Governour and Council are sitting, upon pain of Imprisonment.

Suitors to appear.

After Silence commanded, let the Cryer make Proclamation saying.

All manner of persons that have any thing to do at this Court, draw neer, and give your attendance; and if any one have any plaint to enter, or suit to prosecute, let them come forth, and they shall be heard.

When silence is thus commanded, and Proclamation made upon calling the Docket, the Cryer shall call for the Plaintiff.

Calling the Plaintiff.

A. B. Come forth, and prosecute thy Action against *C. D.* or else thou wilt be nonsuite; and the Plaintiff putting in his Declaration, the Cryer shall call for the Defendant.

Calling

Calling for the Defendant.

C. D. come forth and ſave thee and thy Bail, or elſe thou wilt forfeit thy Recognizance.

For proceedings in the ſaid Courts.

Warrants to be iſſued by the Clerks.

XX.

Actions to be Proportioned.

BE it Enacted, That Warrants be iſſued by the Clerks of the General Courts, and the ſaid Clerk ſo proportion the number of his Actions, that there be for each day Twenty, and that, until there be Twenty Actions entred for the firſt day, no Warrant iſſue for the ſecond; and then Twenty for the ſecond, before any iſſue for the third; and ſo proportionably Twenty *per* day, for ſo many days as there are Actions to fill with that number. It being unreaſonable, That the Governour and Council ſhould wait a week for a ſtragling buſineſs entred at a particular mans pleaſure. And in caſe any ſpecial Warrant iſſue, that for the extraordinarineſs of the buſineſs may require the Governours own ſigning. It is enacted, That the perſon firſt go to the Clerk, and there enter his Action, and the day of the Return before his Warrant ſhall be ſigned.

And whereas ſome ſcruples have ariſen about the time Warrants may be ſerved (*viz.*) Whether ten days before the return, that is the day mentioned in the Writ to appear: It is hereby declared, that Warrants may be ſerved at any time, if there be ten days between the Serving and the Return as aforeſaid. And further, that it may be done in Court-time for the ſame Court, if there be ten days between the Serving.

Warrants may be ſerved to the General-Court at any time, if there be ten days between the Arreſt and Return.

XXI.

Courts to ſit from Eight to Eleven of the Clock in the Forenoon: from one to three, after Noon.

BE it alſo further Enacted, That the Court ſhall each day ſit from Eight of the clock till Eleven in the fore-noon, and from One to Three in the afternoons: And for avoiding all Errors that may happen in the draught for the Orders by the Clerk, either through his miſ-apprehending the ſenſe of the Court, or the partial Information of any perſon concerned, which he, being diſtracted with the multiplicity of buſineſs, may unwittingly aſſent to; that all Orders of the day be by the Clerk drawn up againſt next morning, and then read

in open Court (in presence of the Plaintiffe and Defendant, if they will be present) when Rule will be given by the Court for amendment of Errors, if any be before they be entred upon Record; and the Plaintiffe or Defendant, if they have any new matter of plea, shall then have liberty to plead it in Arrest of Judgement. And the Orders thus publiquely read and confirmed shall be signed by the Secretary which shall remain upon File in the Office for the full Justification of the Clerk, who is to enter them in the Book of Records.

XXII.

The Plaintiffe to file his Declaration three days before the day of Hearing.

AND whereas the Clerk is enjoyned to enter Twenty Actions for each day, and the Court to sit at certain hours; so also, It is hereby Enacted, That the Plaintiffe file his Declaration in the Office at least three days before the day of Hearing: in which time, the Defendant may take a Copy there of, the Original still remaining in the Office, and provide his Answer in writing, ready to present to the Governour and Council at the day of hearing: and further, that if the Plaintiffe fail either in not appearing to prosecute, or in neglecting to file his Declaration, as is hereby enjoyned, he shall pay to the Defendant, if he liveth within fifty miles of *James*-City, one hundred and fifty pounds of Tobacco for a Non-suit; and if he dwell further off, then three hundred & fifty pounds of Tobacco; beside his Amercement to the Publique. And if the Defendant make default, the Judgment to pass against the Bail for the thing sued for; or, if no Bail be returned, then against the Sheriff, besides his Amerciament of one thousand pounds of Tobacco laid upon him by Act, for not making Returns. Provided, that the Bail and Sheriffe have respit of Execution until the next Court, when, if they bring in the person of the party the Judgment of the first Court granted to be reversed; but the Amerciament awarded against the Sheriff to continue, and not to be remitted.

XXIII.

Adjournment to the two last days for Determination of References by Avisare Volumus, *or Actions erected in Court-time.*

AND whereas this Act enjoyns the proportioning so many Actions to a day, but gives liberty to arrest in Court-time to the last

laſt dayes of the Court. And whereas ſome caſes of difficulty may be preſented, upon which the Court may deſire to adviſe: Be it therefore Enacted, that aſſoon as the Court hath ſat ſo many dayes as are filled with Actions, it ſhall be adjourned to the two laſt dayes of that Court; and what-ever the Court hath referred by their *Aviſare Volumus*, and all Actions entred in Court-time, as aforeſaid, ſhall be then tryed and determined.

XXIV.

Criminal Cauſes to be tryed at the General Courts.

WHereas men of the greateſt abilities both for Judgement and Integrity do uſually meet at the *General-Courts*, whither their occaſions do frequently call them, and becauſe any thing that concerneth life or limb, requires the ableſt Juries to enquire of it: Be it enacted, That all criminal cauſes, that concern either life or member, ſhall be tryed at the General Courts, only the fourth day of the ſaid Courts; and becauſe the Laws of *England* do enjoyn Juries to be choſen out of the Neighbourhood where the fact was committed, according to which the remoteneſs of our habitations, doth not admit us ſo fully to practiſe, as we deſire; yet that we may come to them as near as poſſibly we may, and becauſe it is very requiſite that, part of the Jury, at leaſt, ſhould come from thence, who by reaſon of their nearer acquaintance with the buſineſs, may give Information of divers circumſtances to the reſt of the Jury. Be it therefore Enacted, That immediately after the commitment of any perſon found criminal by the grand Inqueſt, the Sheriffe of the County to whoſe cuſtody he is committed, ſhall give notice thereof to the Secretaries Office at *James*-City, and the Clerk of that Office ſhall preſently ſend a *Venire facias* to the ſaid Sheriff to Impannel ſix men of the ableſt and neereſt of the Inhabitants of his County to that place where the fact was committed to be of the Jury for Tryal of that cauſe returnable the ſaid fourth day of the next General-Court, where the ſaid Jury-men are bound to appear; and for their charges, the Countrey ſhall allow to each man Twenty pounds of Tobacco *per* day, for each day they may be reaſonably coming to, and returning from, *James*-City; and Fifty pounds of Tobacco *per* day during their attendance there about it, (*viz.*) from the day they are by the Writ to appear, until they be diſcharged, and that the reſt of the *Jury* be made up of the By-ſtanders.

XXV.

The Governour and two of the Council to go the Circuit.

WHereas the Honourable Governour, out of his ſingular care of his due Adminiſtration of Juſtice in all Courts, and that he might be the better enabled to render his Majeſty an exact Accompt of the Government, hath been pleaſed to take upon him and the Council the pains of viſiting all the *County-Courts* of the Countrey: Be it therefore Enacted, That the Honourable Governour, and one of the Council, or, upon the urgent affairs of the Countrey hindering the Governour, that the Governour Commiſſionate two of the Council for every River, yearly in *Auguſt* to ſit Judges in all the *County-Courts*, and there hear and determine all cauſes then depending in them by Action or reference from any other preceding Court in that County. Provided no Councellor be appointed to go the circuit in the River wherein he doth inhabit.

XXVI.

Appeals how to be made.

WHereas many Appeals are made from *County-Courts* to *General-Courts*, and from *General-Courts* to *Aſſemblies*, whereby the ſpeedy Execution of Juſtice is often retarded; and many perſons, diſabled by the charge of going to *James*-City to proſecute, are forced many times to deſiſt from the claim of their Juſt Rights: Be it therefore Enacted, that, for the avoiding delayes, and for the eaſe of the Inhabitants, all Appeals made in any Court after the *General-Court* in *March*, be referred to the hearing of the Governour or Itinerary-Councellours in their Circuit; From whoſe ſentence, it there, if any perſon will appeal. If the Governour be preſent, ſhall be made to the next Aſſembly: if two of the Council, then to the next *General-Court*, from which the ſaid Councellors, during the Tryal of ſuch cauſe or cauſes in which they had at the *County-Courts* given their opinions ſhall be ſuſpended. But becauſe in the Winter time the *General-Courts* are more frequent, and all Cauſes there receive a ſpeedier determination; and, becauſe Tobacco being only then payable, may be paid in kind: It is Enacted, That all appeals made from *October*, *December*, and other Intervening *County-Courts* be made to the next ſucceeding *General-Court*, and from thence to the *Aſſembly*. And becauſe there may be as great Errors of Judgement or Will, in matters of ſmall value as in the greateſt; It is further

Enacted,

Enacted, That Appeals ſhall lie open, as aforeſaid, for any thing of what value ſoever; alwayes Provided, that the Appellant put in good Security for proſecuting the Appeal, and payment of Fifty *per cent.* Damages to the Defendant, if the Appellant be caſt in the Suit, for his unjuſt moleſtation. Provided alſo, that no Appeals be made from *Northampton-County*, whoſe remoteneſs and dangerouſneſs of Paſſage is ſuch, as is not, for inconſiderable cauſes, to be attempted, under the value limited by former Acts of Aſſembly, being Three thouſand pounds of Tobacco, or Thirty pounds ſterling; any thing in this Act to the contrary notwithſtanding. And be it further Enacted, That all cauſes of what value or nature ſoever, not touching life or member, may be tryed at the *County-Courts*, and that no Arreſt be made to the *General-Court*, in any Action under the value of Sixteen hundred pounds of Tobacco, or Sixteen pounds ſterling; upon penalty of Five hundred pounds of Tabacco, to be paid by the Plaintiff to the Defendant, for his Charges.

XXVII.

Amerciaments in the General-Courts Fifty pounds of Tobacco per Cauſe; *in County-Courts, Thirty* per Cauſe.

WHereas many Suits are raiſed upon frivolous occaſions, by litigious perſons; for prevention thereof, for the future, Be it Enacted and confirmed, That all perſons whatſoever, that are caſt in any Cauſe, be they Plaintiffs or Defendants, ſhall be Amerced (beſides the Dammages and Coſts to the Recoverers) Fifty pounds of Tobacco, in the *General-Courts*, to the uſe of the Publique; and in the *County-Courts*, Thirty pounds of Tobacco, for the maintenance of the Commiſſioners. For the due Collecting whereof, Be it Enacted, That the Clerks of the *General-Courts*, and the ſeveral *County-Courts*, keep an exact Accompt of the Amerciaments, and deliver or ſend the ſame to the ſeveral Sheriffs of the particular Counties; who are hereby required to Collect the ſame, with the Levies; and are accordingly impowred, for default of payment, to make diſtreſs, and commanded not to return any Arrears; (Executors and Adminiſtrators, who cannot pay without orders, alwayes excepted.)

XXVIII.

Subpæna's *to be Iſſued by the Clerk.*

BE it alſo Enacted, That the Clerk of the *General-Court* ſhall iſſue *Subpæna's* from the Secretaries Office, for all Evidences required in the tryal of any Cauſe there depending, if the Witneſſes required do not dwell beyond the *Bay*, or the North-ſide of *James-River*: And if they do, that then a *Dedimus Poteſtatem* ſhall iſſue for taking the Depoſition in the County, or Counties, where the Witneſſes do dwell. Provided alwayes, That in *Criminal-Cauſes* all Witneſſes be bound over to give in their Evidences *vivâ voce*, at the tryal in the *General-Court*.

XXIX.

Dedimus Poteſtatem *how to iſſue.*

WHereas many Cauſes between parties and parties, are loſt for want of Evidence: who living ſo far remote cannot, but at a charge and expence farr exceeding the value of the Cauſe, be brought to give it *vivâ voce*, at the *General-Court*, or at the *County-Courts*, if the party dwell out of the County, or elſe a greater miſchief is introduced, by the partial and illegal Examination of Witneſſes in preſence of but one party before ſome one Commiſſioner, perhaps too favourably inclined to the party in whoſe behalf the Depoſitions are taken, beſides the trouble, expence, and hinderance of the Witneſſes themſelves, who, many times, are forced One hundred Miles from the place of their Reſidence, for a ſmall allowance, to give Evidence in tryals of petty and inconſiderable values: For remedy whereof, and that all parties may with more convenience, leſs trouble and coſt, have their Evidences impartially and legally taken; Be it Enacted and confirmed, That if the Cauſe be to be Tryed at the *General-Court*, the Governour; if in any *County-Court*, any one of the Council, or the Judge of the Court; ſhall grant and ſign a Writ of *Dedimus Poteſtatem*, for Examination of Witneſſes, in the Counties where they dwell, directed to three ſuch perſons as the Plaintiff and Defendant; if they both deſire, the Writ ſhall, by conſent, make choice of and nominate. But if it be the ſingle requeſt of either Plantiff or Defendant, then the Governour, Councellour, or Judge of the *County-Court*, out of Court-time, ſhall nominate and appoint three or more ſuch indifferent perſons to examine all ſuch Witneſſes, as by the party deſiring the Writ they ſhall be moved to ſummon before

before them. And to this end the Commiſſioners, thus made choice of, or appointed to execute the Writ, or any two of them, ſhall by the ſaid Writ, be impowred and required to appoint a time and place, when and where they will receive the Evidences, and to iſſue out *Subpæna's* for their appearances accordingly; and if upon ſuch Summons any of the Witneſſes refuſe or neglect to come and give in their Evidences, then the Commiſſioners, or any two of them, be further impowred, by this Act, to lay ſuch a fine upon them as the Act of Aſſembly gives in ſuch caſes, for non-appearance of Witneſſes, at the *General* or *County-Courts*. Provided alwayes, That the parties procuring the Writ, ſhall give the party concerned againſt him, notice of the time and place, when and where the Commiſſioners intend to ſit, at leaſt ten dayes before the day appointed by the ſaid Commiſſioners, for putting it into Execution. And, Be it further Enacted, That the ſaid Commiſſioners, or any two of them, which take the ſaid Examinations, ſhall immediately ſubſcribe them, ſeal them and the Writ up, and return them with the Writ ſo ſealed up, to the Clerk of the *General-Court*, if the Writ iſſue from the Governour, or elſe to the Clerk of the *County-Court*, whence the Warrant iſſued by either of the ſaid Clerks, to be Read at the time of the Tryals of the Cauſe in either of the ſaid Courts.

XXX.

Penalties for non-appearance of Evidence.

BE it alſo Enacted, That the Penalties to be inſerted in *Subpæna's* to the *General-Courts* for Non-appearance of the Evidences ſummoned, be, One thouſand pounds of Tobacco; and for like default of the *County-Courts*, Three hundred and fifty pounds of Tobacco: And that all Witneſſes, ſummoned to give in their Evidences at either of the ſaid *Courts*, ſhall be allowed for their neceſſary time ſpent in coming and going to, and from, the ſaid *Courts*, Twenty pounds of Tobacco *per* day; and for the time they attend there, untill they have given in their Evidences, Forty pounds of Tobacco *per* day: And becauſe many malitiouſly, to aggravate the charge of the Suit, ſummon many more Witneſſes then are needful; Be it therefore further Enacted, That there ſhall not be allowed in any Bill of Coſts, the charge of above Three Witneſſes to any one Action, unleſs for proof of ſeveral Matters incident thereunto, which ſeverally may require the Atteſtation of Two Witneſſes.

XXXI.

County-Courts appointed.

BE it also Enacted, for the more due Administration of Justice in the several Counties, and the greater ease of the people, in obtaining the same, The Courts be continued in each County, as of long time hath been accustomed: And that the said Courts do consist of Eight of the most able, honest, and judicious persons in the County; which Eight, or any four of them, whereof one to be alwayes of the *Quorum*, are to be impowred by Commission from the Governour for the time being, to act according to the Laws of *England*, and of this Countrey; and to impower them severally, and out of Court, to act and do all such things as by the Laws of *England* are to be done by Justices of Peace there. And be it further Enacted, That these persons, thus Commissionated, take the Oaths of Allegiance and Supremacy, and the Oath of a Justice of Peace; That they be called Justices of Peace: That the Courts be styled *County-Courts*. And further, that the Justices do keep the said Courts precisely upon the dayes appointed by this and former Acts of Assembly *(viz.)*

Henrico the 1 day.
Charles-City the 3 day.
James-City the 6 day.
Isle of Wight the 9 day.
Nanzemond the 12 day.
Lower-Norfolk the 15 day.
Elizabeth-City the 18 day.
Warwick-County the 21 day.
Yorke-County the 24 day.
Northampton the 28 day.
New-Kent the 28 day.
Glouceſter the 16 day.
Lancaſter the
Rappahanocke the
Surry the
Northumberland the
Weſtmerland the

And all Adjournments by all means possible be avoided: And that all the Justices of the said Courts, respectively, shall duly attend the same, and shall not depart or absent themselves from thence without the licence and consent of the rest of the Justices there present. And if any of them shall happen to have a lawful cause of absence, it is thought fit, that in such cases they shall, upon the first day of the Court, signifie the same to the Court by writing; and that they make good proof of the truth thereof at the next ensuing Court, or else, being Delinquent in the premises, every Justice so offending shall forfeit, for every time of his absence, Three hundred pounds of Tobacco, to be imposed by the Court, and disposed of to the good of the County.

XXXII.

No Arreſt without Entry of Action.

BE it alſo Enacted, that all Actions to the *County-Courts*, and *Subpæna's* for Witneſſes, or in *Chancery*; be firſt entred with the Clerk of the County, or his known Deputy, before any Arreſt made or Summons ſerved, under penalty of Five hundred pounds of Tobacco, to be levyed upon the Sheriff that ſhall preſume to ſerve any Proceſs, contrary to the tenor hereof. And be it Enacted, That the Plaintiff in any Action, ſhall, at leaſt the day before the Court, enter his Bill of Complaint, and leave it in the Clerks hands, that the Defendant, if he will, may have a Copy thereof, and accordingly provide his Anſwer; but the Original Declaration or Bill to be alwayes filed in the Office.

XXXIII.

The Defendant to put in his Anſwer.

AND be it further Enacted, that for the better regulating and keeping the Records, and transferring the Preſidents to Poſterity; as alſo for prevention of new Suits, upon miſtake of the grounds of Orders, That as the Plaintiff both in *General-Courts*, and *County-Courts*, files his Declaration; ſo the Defendant, in both thoſe Courts, ſhall alſo put in his Anſwer in writing; and that the Judgment, if for the Plaintiff, be endorſed on the Declaration; if for the Defendant, on the Anſwer. And further, that all Evidences concerning that Cauſe, be filed together with them, and by the Clerk carefully preſerved.

XXXIV.

Form of Entring the Court.

BE it alſo Enacted, That the form for entring the ſtyle of the Court, Proclamation for ſilence, the Cryers calling the Plaintiff, and the Defendant, to Anſwer; be obſerved in the *County-Courts*, as well as in the *General-Courts*, varying only in the Title of the Court and the Aſſeſſors.

XXXV.

Court not to take Cognizance of any thing, under Two hundred pounds of Tobacco.

AND be it alſo Enacted, That the Court ſhall not take Cognizance of any Cauſe under the value of Two hundred pounds of Tobacco, or Twenty ſhillings ſterling: which a private Juſtice may, and is, hereby authorized and impowred to hear and determine. And whereas many vexatious perſons do very much trouble the Courts and their Neighbours, for brabling words, ſometimes paſſionately, but not malitiouſly, ſpoken: Be it therefore Enacted, That no Action be admitted for Defamation in any Court, where the words are not Actionable. And further, that there be no words Actionable, but ſuch as, if true, might have brought the perſon to ſuffer puniſhment by Law, any other to be caſt out of the Court, and the Plaintiff to be non-ſuited; not that liberty is hereby given, or intended, to any ſcurrilous perſon to abuſe others at his pleaſure, but that his Majeſties Courts be not, for ſuch brawles, forced to wave matters of greater conſequence. And becauſe Offences of this nature may be determined by a particular *Juſtice*, who is hereby impowred to bind the perſons ſo offending, to the good Behaviour; or, if they find not good Security for the ſame, to commit them to Priſon till they find it.

Action of Defamation.

XXXVI.

Private Courts prohibited.

WHereas many things are acted, and Adminiſtrations granted, at private Courts, which tend to the apparent dammage of divers of the Inhabitants of this Countrey: Be it therefore Enacted, That no Private-Courts be kept, but that all buſineſs, tryable or grantable by or at the County-Courts, be tryed and granted in open Court, at the times and places by Law appointed. Provided alwayes, that it ſhall and may be lawful, for the diſpatch of Merchants, and other Sea-affairs, which cannot, without much prejudice and detriment to the ſaid Merchants, or Maſters, be deferred till the Courts in courſe ſhould come; It is Enacted, That it ſhall be lawful for any Juſtice of the *Quorum*, by his Warrant directed to the Sheriff, to call a particular Court, and to ſummon any perſon or perſons before them.

XXXVII.

Tryals by Juryes.

WHereas the Seventieth Act made in 1642. and continued by the Ninety-first Act, 1657. ſeems to reſtrain both Plaintiff and Defendant from Trial by Juryes, unleſs the Plaintiff in his Declaration, or the Defendant upon Entry of his appearance, do deſire the ſame; which reſtriction is quite contrary to the Law of *England*, by which, the Tryal of all matters of Fact, is as appropriate and inherent in the Jury, as matter of Law is in the Judges: for which cauſe, and that we may in all our Tryals come as near as may be to the Laws of *England*, by which, we are to be governed as our preſent capacities will admit: Be it enacted, That, every Morning the Court ſits, whether the General or County-Courts, the Sheriff of the County in which it ſits, ſhall impannel a Jury to attend the Court that day, to try ſuch Cauſes, as the Court ſhall find proper to be referred to them; and that whenever a Jury is ſent out, an Officer ſworn to that purpoſe ſhall keep them from meat and drink, until they have agreed on their Verdict.

XXXVIII.

Grand-Juryes to preſent Offenders.

WHereas the ſeveral Laws conſtituted and made for the redreſs of ſeveral Miſdemeanors and Offences, either through the remiſneſs of the *County-Courts*, or the Juſtices that keep the ſame, or elſe through the defect of the Laws, in not appointing ſome peculiar Officers to look narrowly after the Offenders, and to make preſentment thereof to the ſaid Juſtices at their *County-Courts*; by which means, the Laws themſelves are ſlighted and contemned, and become wholly uſeleſs and ineffectual: Be it therefore enacted and confirmed, That Juryes of Inqueſt, be impanelled and ſworn in every County, to enquire of the breach of all Penal Laws in their ſeveral Counties; and that they make preſentment thereof to the ſeveral *County-Courts* twice yearly (*viz.*) in *April-Court*, and *December-Court*, when the Juſtices are to receive them, and find them according to Law, and to take for evidence the preſentment of the Jury, if made upon the certain knowledge of any of them; or otherwiſe, the Parties that inform the Jury to give their Evidence to the next Juſtice, in preſence of the Party preſented; which Depoſition being produced by the Jury with their Preſentment, ſhall be

ſufficient ground for the Court to paſs Judgment againſt the Offenders.

XXXIX.

Pillories to be erected at each Court.

WHereas many Offences are puniſhable by the Laws of *England*, and of this Country, with Corporal Puniſhments; for executing whereof, no ſuch Proviſion hath been made, as the ſaid Laws require: Be it therefore enacted, that in every County, the *Court* cauſe to be ſet up a Pillory, a pair of Stocks, a Whipping-Poſt neer the *Court-Houſe*, and a Ducking-Stool in ſuch place, as they ſhall think convenient, that ſuch Offenders as by the Laws are to ſuffer by any of them, may be puniſhed according to their demerits: and the Court not cauſing the ſaid Pillory, Whipping-Poſt, Stocks, and Ducking-Stool, to be erected within ſix Months after the Date of this Act, ſhall be fined Five Thouſand Pounds of Tobacco to the uſe of the Publick.

XL.

Fines to be diſpoſed of by the Aſſembly.

WHereas divers Treſpaſſes againſt the Publick, are puniſhable by Fines, which are by the preſent Law to be diſpoſed of to the uſe of the Counties in which the Treſpaſs is committed, and yet nothing done for the good of any County, as was intended; whereby it may be preſumed, that the ſaid Fines are either not gathered, whereby the Treſpaſſers by this lenity and impunity, are encouraged to perſiſt in their Contempts of the Laws; or elſe the ſaid Fines are by ſome evil Commonwealths-men perverted to their private uſes: For prevention whereof, for the future; Be it enacted, That the Courts ſhall only lay and collect the Fines; and that they cauſe the Clerk of their reſpective Courts, to keep an Account thereof, and to return the Eſtreatments to the Clerk of the Aſſembly at *James*-City, by the Third of the *General Court* held there in *March* yearly.

And it is further enacted, that the ſaid Clerk of the Aſſembly, do annually attend accordingly, during the time at the place aforeſaid, to receive them; and at the next Aſſembly to preſent them to the Burgeſſes, who are to order the diſpoſal of the ſaid Fines, as to them ſhall ſeem moſt neceſſary for the good and benefit of the ſeveral reſpective Counties wherein they accrewed due, always proportioning to every County the uſe of all the Fines, which were levied therein.

XLI. Su-

XLI.

Superſedeas *by Whom, and how grantable.*

WHereas the Writ of *Superſedeas* hath of late been too frequently granted upon ſlight pretences of errour in the Court, thereby not only injuriouſly delaying Juſtice, and keeping men from their Juſt Dues, but alſo bringing Calumnies and Aſperſions upon the Courts themſelves: Be it therefore enacted, That no *Superſedeas* whatſoever, ſhall hereafter be granted but by the Governour, and two of the Council; nor by them, unleſs the Party deſiring it, make it probably appear to them, that there is Error in the Judgement; and ſhall then alſo give good ſecurity to make good his Plea; and, if he be caſt at the next *General-Court*, to pay the Principal with Five and Twenty *per Cent.* Damages, beſides Coſts.

XLII.

Priſons to be built in each County.

WHereas the Firſt Act of the Aſſembly held at *James*-City, the third of *November*, 1647. and continued by the Aſſembly held there, the Third of *March*, 1657. for prevention of eſcapes for Priſoners, hath enacted, That ſufficient Priſons ſhould be built in each County; and that an Houſe built after the form of a *Virginia*-Houſe (our abilities not extending to build ſtronger) ſhould be accounted a ſufficient Priſon; and that any Perſon being a Priſoner for Debt or Crime, and breaking one of thoſe Priſons, ſhould be proceeded againſt as a Felon; and that neither *Court*, Commiſſioner, nor Sheriff ſhould be anſwerable for ſuch eſcape. And whereas the Sixty firſt Act of the Aſſembly, held at *James*-City, the ſaid Thirteenth of *March*, 1657. makes the ſeveral Counties not building ſuch Priſons, lyable to the Sheriff, for the Eſcape of any Perſon committed to his Cuſtody; which Acts have for want of a Penalty, never been put in Execution: for want whereof, Felons may eſcape; and Debtors for want of due Reſtraint, delay alwayes, and defraud oftentimes, the Creditor of his Juſt Dues; and by means thereof, the Law it ſelf made wholly void: which intended principally, that all men ſhould by that Reſtraint have been forced to make a ſpeedier Satisfaction. For remedy whereof, be it hereby enacted, That according to the ſaid Acts, a good ſtrong Priſon after the Form of *Virginia*-Houſes, be builded within Eight Months after the Date of this Act by the Court at the charge of the County, upon Penalty of

being fined Five Thousand Pound of Tobacco, and be answerable for escapes as aforesaid; and, that the person breaking Prison, shall according to the said Act of the 3d of *Novemb.* 1647. be adjudged a Felon; and, that no Person under Execution for Debt, or imprisoned for Felony, shall have the benefit of the Rules; and all other persons having the benefit of the Rules, shall be secured, and lye in Prison every night at the peril of the Sheriff.

XLIII.

Dwellers within the Rules of any Prison not to have any benefit thereof.

AND be it Enacted, That if the Sheriff shall permit any person dwelling within the Rules of any prison, that is by Warrant, or Order of Law committed to Prison, to walk abroad out of Prison, though with a Keeper, and to have the benefit of the Rules, or to lodge in his own House, the said Sheriff upon proof thereof made at the *County-Court* by the Plaintiff, shall be ordered to pay the Debt, as in case of Escapes.

XLIV.

Sheriffe to be chosen in the Commission.

FOrasmuch as the Commissioners of *County-Courts*, are by the Laws of this Countrey answerable for the Levies and Estreatments of each County, of which the Sheriff is usually the Collectors: Be it therefore Enacted, that none but one of the Commissioners of each County shall be Sheriff for that County, and further, that the Commissioners shall exercise the Office of Sheriff successively as they hold their places in Commission every one a whole year, and no longer; Provided, That every such Commissioner, before he be admitted to take his Oath, give in good security for the due execution of his Office and performance of the trust committed to him, and then his Oath be administred unto him. And be it further Enacted, That no Under-Sheriff shall execute the Office of Under-Sheriff in the same County above one year: Provided alwayes, That the Sheriffs of *James*-City, who are more immediate Officers then any other to the *General-Courts*, and the Publique shall be left to the Governour's free choice: And further, That, if the Governour see cause for the better promoting any of his Majesties especial services, it shall be left to his discretion to pass by any person in any other

other Commiſſion and to give the place to thoſe in the Commiſſion he ſhall think moſt meet, to ſupply the exigent of the preſent occaſions. But becauſe the Laws, as well of *England* as of this Countrey, prohibit the executing the Office of Sheriff by any perſon two years together, the Governour is earneſtly deſired by the Aſſembly in any of his Elections not to infringe thoſe Laws.

XLV.

Sheriffs not making Return.

WHereas the Sheriffs, often through neglect, often for favour to the Debtors, omit the ſerving the Proceſs to them directed, and making Returns thereof according to Law; by means whereof the Courts are prolonged, Juſtice is delayed, and the parties by their attendance and expences very much endammaged: Be it therefore Enacted, That every Sheriff failing to make ſufficient Return (that is, that the Writ is executed, and the Name of the Bail taken, of any Warrant to him directed three dayes at leaſt before the day of the Return of the Writ in the *General-Court*, and two dayes before the *County-Courts* (ſhall be amerced One thouſand pounds of Tobacco; one half to the Plaintiff if he ſue for it, and the other half to the County; Provided, That the ſaid Plaintiff prove the delivery of the Warrant to the Sheriff.

XLVI.

Sheriffs to take Bail.

BE it alſo Enacted, That all Sheriffs ſhall take ſufficient Bail of all perſons arreſted, and perform the award of the Court, and, if the Sheriffs ſhall neglect to take ſufficient Bail of the party arreſted, or otherwiſe conſent to be the cauſe of his eſcape, then the ſaid Sheriffe ſhall be lyable to pay the award of the Court himſelf, and ſhall alſo pay, in caſe the conſent to the eſcape be proved, One thouſand pounds of Tobacco, one half to the Publique, the other half to the party grieved, for his delay in recovering the debt; but if Bail be taken, and the party appear not to anſwer the ſuit, then Judgment ſhall be awarded againſt the Bail: Alwayes Provided, That the Sheriff or Bail, ſhall, if they deſire it, have an Attachment againſt the Eſtate of the party arreſted, and not appearing. And further, that if the Sheriff or Bail ſhall not the next Court after that to which the Arreſt was made, bring forth the body of the Party ſo arreſted to anſwer the Suit, then the Sheriff or Bail, ſhall be acquitted, for the Judgment paſſed againſt them.

XLVII.

Non eſt Inventus.

BE it alſo Enacted, That if any Sheriff ſhall return a *Non eſt Inventus*, upon which an Attachment by a former Act, hath been uſually granted, when perhaps neither the Sheriff nor his Officer have been at the Houſes of the Defendants to the great damage and diſparagement of the ſaid Defendant, by having his Goods Attached: Be it therefore Enacted, That henceforth, the Sheriff or his Officer, ſhall declare, upon one of their Oaths, that he hath been at the Houſe of the Defendant, and hath there left a Copy of his Writ, before his return of *Non eſt Inventus* be admitted; and if he ſhall refuſe to make ſuch Oath then Order to paſs againſt him, according to the Act for Non-returns, but if the return be proved, and allowed in Court, then after thrice ſummoning the defendant by Proclamation in Court, an Attachment ſhall iſſue againſt his Eſtate returnable, the Court following; where, if the Defendant appear; not, to replevin the Attachment, Judgment ſhall be granted to the Plaintiff for his Debt, being made evidently appear to the Court that it is juſtly due to him.

XLVIII.

Appriſement of Goods.

BE it Enacted for the Equal Appriſement of Goods ſeized by Execution, That the Plaintiff and Defendant ſhall chuſe each of them two indifferent men for that purpoſe; and in caſe of diſagreement, the ſaid four, or any three of them, ſhall chuſe an Umpire; which Umpire ſo choſen ſhall be ſworn by the next Commiſſioner to appriſe ſuch Goods indifferently, and his Umpirage to be final. And be it further Enacted, That if Plaintiff or Defendant ſhall neglect to appoint Apprizers within three days after Execution is ſerved, notice being given them by the Sheriff to whom the Execution was directed, that then the Sheriff in ſuch caſe of neglect ſhall chuſe and appoint Apprizers either for the Plaintiff or Defendant, for apprizing the Goods by him ſeized upon Execution as aforeſaid. And be it further Enacted, That before ſuch Apprizement, the Sheriff ſhall not remove the Goods out of the poſſeſſion of the Plaintiff, and the ſurpluſage, if any, be returned to him, but after Apprizement made as aforeſaid, the property to veſt in the Sheriff for the uſe of the Creditor to whom the Sheriff ſhall give notice, that he may take

take them into his own poſſeſſion; and, becauſe there can be no Averment againſt a Record, It is further Enacted, That the Sheriff make return of the Execution to that Clerk of the County that granted it by him to be entred upon Record, under the Order it was iſſued upon, that ſo the Satisfaction aſwell as the Judgment may be authentiquely proved, if occaſion require.

Whereas the Act for the Relief of poor Priſoners, hath, contrary to the intent thereof been extended to men of all capacities, and by that means an inconſiderable part of their Eſtates, or at leaſt unprofitable to him whoſe dependance is Tobacco, according to his agreement forced for ſatisfaction: Be it therefore Enacted, That henceforth, every Debtor under Execution for Debt ſhall be detained in Priſon, until he have paid the debt in kind, but that real poor men laid under Execution for a Debt under One Thouſand pounds of Tobacco ſhall ſtill have liberty, by part of their Eſtate by ſome Juſtice of the County indifferently aſſigned, and by Apprizers ſummoned by the Sheriff, and ſworn equally to apprize the ſaid Eſtate, ſhall make payment thereof to their Creditor, and redeem their perſons.

XLIX.

No Commiſſioner, Clerk, or Sheriff, to be Attorneys in the Court where they officiate.

BE it Enacted, That neither Sheriff, Commiſſioner, Under-Sheriff, or Clerk of any Court within this Colony ſhall be permitted to plead as an Attorney in any perſons behalf in the Court wherein he Officiates, and the ſaid Commiſſioner, Sheriff, Under-Sheriff, or Clerk, offending herein, ſhall for every default be fined One thouſand pounds of Tobacco to the uſe of the County. Provided alwayes, That if any poor perſon not able to plead his own cauſe, ſhall requeſt the Court to Aſſign him one of the Commiſſioners to plead for him, it ſhall be lawful for the Court to grant it, and for the Commiſſioner to plead accordingly; but the Counſellor, Commiſsioner, &c. ſo pleading the poor man's cauſe not to give Judgment therein. Provided alſo, That any Commiſſioner-Sheriff, Under-Sheriff, or Clerk acting as General Attorney for any perſons, abſent out of the Countrey or County and Negotiating their affairs, and ſo lyable to be ſued for their imployers, ſuch perſons notwithſtanding this Act ſhall have liberty alſo to plead and proſecute in any Cauſe that ſhall any way concern their ſaid Imployers.

L.

Publication of Writs for Election of Burgeſſes.

WHereas frequent Complaints are made by the people, that they have no notice of the time appointed for the Election of Burgeſſes, and by that means are deprived of giving their voices in the Election of their own Repreſentatives: Be it Enacted henceforward That the Sheriffs of the reſpective Counties, ſhall, upon the Receipt of the Writs, cauſe Copies thereof, with the day appointed for the Election endorſed, to be ſent to the Miniſter or Reader of every Pariſh in their County, who is to read the ſame to the People two Sundayes ſucceſſively, both in the Church and Chappel of Eaſe to it belonging, to the end that no perſon may pretend ignorance; and return the ſame to the Sheriff, with his Atteſtation ſubſcribed, that he hath publiſhed the ſame according to the tenor of this Act; which Atteſtation ſhall be ſufficient to diſcharge the Sheriff from blame: But if the Sheriff neglect to ſend Copies, as aforeſaid, then to be fined Two thouſand pounds of Tobacco, to the uſe of the County. And every Freeman, after ſuch publication made, neglecting to come and give his Vote at the day appointed for Election, ſhall be amerced Two hundred pounds of Tobacco, to the uſe of the County. And be it further Enacted, That if the Sheriff ſhall not, before the day of the Return, make his due Return of the Writ, with the names of the Burgeſſes endorſed, into the Secretaries Office at *James-City*, the ſaid Sheriff ſo neglecting, ſhall be fined Two thouſand pounds of Tobacco to the publique.

LI.

Publique Levies to be firſt paid.

BE it alſo Enacted, That no Sheriff ſhall, where he receives Tobacco of any perſon indebted for his Levyes, and alſo for Fees, and other debts due to himſelf, or any other Officers, and not paying the whole in kind, by which means, for part thereof diſtreſs muſt be made, ſhall preſume to convert the Tobacco in kind, to his own or any others uſe; and force the Countrey-Creditour to accept of the diſtreſs, or ſtay for his debt. But that all debts due to the Publique be firſt paid, and the Tobacco in kind paid to the Creditour of the Publique, whoſe Reputation is, by theſe Evaſions, often vilified; and that the Sheriff making default herein, ſhall be fined Ten thouſand pounds of Tobacco to the uſe of the Publique, upon proof thereof made in any Court of Record in this Countrey.

LII. *The*

LII.

The Sheriff, upon the instance of the Treasurer, or his Deputy, to Collect the Quit-Rents.

AND be it further Enacted, That the Sheriff, being his Majesties immediate Officer, shall, upon the instance of his Majesties Treasurer, or his Deputy here, be compelled to receive all such Quit-Rents as the said Treasurer, or his Deputy, shall give him order to receive in his County; and that the said Quit-Rents be paid, as the Levies, in the direct *specie* of Tobacco, or Money; and that no particular Fees or Debts be preferred before them, under like penalty as for the payment of other Debts before the Levies.

LIII.

List of Tithables how to be taken.

WHereas the fraud of Sheriffs in bringing in the Lists of the Tithables, hath very much augmented the Taxes of the Countrey: Be it Enacted, That for the better discovery of the number of Tithables, each County shall be divided into several Precincts, in each of which, a Commissioner shall be by the Court appointed to take a List of the Tithables, to be brought or sent in under the hand of the Master of every Family, of the names and number of Tithables, he hath in his Family; and if he bring in a false List, the said Master shall pay treble duties for every person so by him concealed. And be it further Enacted, That the said Commissioner give publique notice, in Writing, to be read and set up at the dore of the Church or Chappel of Ease, of the Precincts he is to take accompt of, and of the day he will receive them. Provided, the day be before the Tenth of *June* at farthest; at which time every person neglecting to bring in his List, as aforesaid, shall be adjudged a Concealer, and pay accordingly; and every Commissioner failing in giving notice, neglecting to take the List, conniving at others concealment, or not giving a true List of his own Tithables, shall also pay treble duties, as aforesaid. And be it further Enacted, That every Commissioner in *August-Court* following, shall deliver the Accompt, so taken by him, and the Subscriptions of the several Masters of Families, to the Clerk of the *County-Court*, who shall return an exact List of the Families to the Clerk of the *Assembly*, the first or second day of every *September-General-Court*.

LIV.

What persons are Tithable.

WHereas several Disputes have been made of what persons were Tithable; It is hereby enacted and declared That all Male persons of what age soever, imported into this Country, shall be brought into the Lists, and be lyable to the payment of all Taxes. And all *Negro's*, Male or Female being imported, shall be accompted Tithable. And all *Indian*-servants, Male or Female, however procured, being adjudged sixteen years of age, shall be likewise Tithable. From which none shall be exempted but such Christians only, as are either Natives of this Countrey, or are imported free by their Parents, or others; who shall not be liable to the payment of Levies, untill they be sixteen years of age; or such others, as by particular Acts of Assemby are exempted.

LV.

Counsellors and ten persons, to be exempted out of the Levy.

BE it Enacted, That each Councellour of State, for this Countrey, shall be freely exempted from all Publique Charges and Taxes, for themselves and ten of their Family; the Ministers and Church-duties excepted. And further, that all Ministers officiating in any Cure of this Country, shall, for their attendance on the *General-Courts*, and *Assemblies*, be exempted themselves, and six of their Family, from paying any Publique Taxes. And further, that all persons that came into this Countrey, at the last coming in of Sir *Thomas Yates*, shall have their own persons exempted from paying of any Publique Taxes, Church-duties excepted; and also from their personal service in the Warrs.

LVI.

Artificers not planting Tobacco, freed from payment of the Levy.

AND whereas all persons, Artificers and others, are forced to neglect their Trades, and to plant Tobacco meerly for the payment of their Levies: Be it Enacted, That what Artificer or Handicrafts-man soever will imploy himself and Servants only about their Trades, and not plant any Tobacco at all; every such Artificer and Handi-

Handicrafts-man ſo following his Trade, and not planting Tobacco, either by himſelf or ſervants, ſhall for his encouragement be exempted from paying any Levies, either for himſelf or ſervants, for the term of three years, except it be for the Miniſters dues, and Church duties. Provided alwayes, that if any perſon claiming the benefit of this Act, ſhall directly or indirectly, at home or abroad, plant or tend, or cauſe to be planted or tended, any Tobacco, contrary to the intent of this Act; or hire out his ſervant or ſervants, to others to plant or tend Tobacco, he ſhall be cenſured to pay double Levies for himſelf and all his Tithables, to the uſe of the County.

LVII.

Counſellours to raiſe a Levy.

WHereas the neceſſary charge of the Country doth enforce the raiſing of an Annual-Levy, which being commonly done by an Aſſembly, the charge of which doth moſt times equal, if not exceed, all other Taxes of the Country: Be it therefore Enacted, That the Governour and Counſel in *September* 1662. ſhall have power to raiſe and proportion a Levy, to defray the Country debts and Salaries, allowed by the Aſſembly; and ſuch other Debts alſo as they ſhall find juſtly and neceſſarily due, according to the number of Tithables: Provided, the whole amount not to more then Twenty pounds of Tobacco *per poll*. And this Act to continue for three years, unleſs ſome urgent occaſion preſent in the mean time, of calling an Aſſembly. And that the Levy may be truly proportioned; Be it enacted further, That every Clerk of a *County-Court*, tranſmit the Certificate of the number of Tithables in his County, to the Secretaries Office, in every *September-Court*.

LVIII.

No Arreſts to be made on the Sabbath-dayes.

WHereas it hath been the frequent practice of Sheriffs, and their Officers, for their own eaſe and benefit, to repair to the Churches, and other places of Publique meetings, on purpoſe to ſerve Warrants, and Executions, and other Writs; by which means, men in danger of Arreſts have been deterred from the ſervice of God and the King: Be it Enacted, That no Sheriff, nor his Officer, ſhall from henceforth execute any Writ or Warrant upon any perſon or perſons either upon the Sabbath-day, or upon the day of Humiliation for the death of the late King of bleſſed memory, or upon

the dayes appointed for thanksgiving for his Majestie's happy Inauguration, and for the Deliverances of this Countrey from the two Bloudy Massacres, nor at the times of General Musters, or Election of Burgesses. Provided alwayes, that it shall and may be lawful for the Sheriff, or any other Officer, to apprehend and carry to Prison any person or persons for Riots, Felony, or suspition of Felony, or escape out of Prison when under Execution, upon any day, at any place, any thing in this Act to the contrary notwithstanding.

LIX.

Reward for killing of Wolves.

WHereas great complaint is made of the frequent and many injuries done by *Wolves* to the Cattel and Hogs, of several Inhabitants of this Countrey: It is therefore Enacted, for the encouragement of those that will make it their business to kill and destroy them, that they shall be paid by the County, in which they are killed; for every Woolf destroyed, by Pit, Trap, or otherwise, Two hundred pounds of Tobacco. Provided, he make proof before the next Commissioner, how the Woolf was killed, and bring in his head, and take from the said Commissioner a Certificate thereof; which being produced to the Court, when they are proportioning the Levy, shall be sufficient to have the said Reward raised upon the County, and to be paid to such persons as it is justly due.

LX.

Commissioners to take Security of Sheriffs.

BE it also Enacted, That the Commissioners of every County shall be answerable to the Publique, for all Levies laid upon their County by Act of *Assembly*; and, for the Sheriffs performance of his place, and in regard thereof, are hereby impowred, before the admission of any Sheriff into his Office, to take such security of him as they shall think fit and sufficient to save themselves harmeless, for the Receiving and Discharging all Publique Duties, whether Quit-Rents, Levies, or Officers Fees, committed to his charge of Collection, and for the due performance of his Office. Provided, that no Commissioner shall be liable, but such as were of the Commission when the Defect was made.

LXI.

Judgement before Commiſsioners.

BE it enacted, That the voluntary confeſſion and acknowledgement of a Debt by the Debtor, under his Hand and Seal, before two Commiſſioners, of which one of the *Quorum*, ſhall be accounted in Law, in the Nature of a Judgment; the ſaid Commiſſioners atteſting the ſame under their Hands, and ſo certifying it to the Clerk of the *County-Court*, to enter it upon Record; upon which Writing ſo acknowledged, atteſted, and Recorded, Execution ſhall iſſue, in caſe, the Debt be not paid, as if Judgment had been granted for the ſame in open Court. Provided, that if no Execution iſſue within a year after ſuch acknowledgment, then a *Scire facias* ſhall iſſue, before any Writ of Execution ſhall iſſue forth.

LXII.

Perſons removing into the Bay.

FOr avoiding of Creditor's Charges, and Troubles, in recovering their Debts by reaſon of divers Perſons removing themſelves from the places where they contracted their Debts, into remote Counties: Be it enacted, That no Perſon whatſoever ſhall remove out of the County where he dwells, unleſs he firſt ſet up his Name at the door of the Pariſh-Church or Chappel where he dwells, three Sundays together; and in the ſame, expreſs his intent of leaving the County, and certifie the place he is about to remove to; and take Certificate thereof from the Miniſter or Reader of the ſaid Church or Chappel, and the Church-wardens of the Pariſh, to the Clerk of the *County-Court*, who ſhall grant him thereupon a Licenſe to depart. Provided alwayes, That if the ſaid Perſon ſo removing, pay not his Debts contracted, before his removing, according to the Tenor of the Specialties, by which they are due; It ſhall be lawful for any of his Creditors, by a Warrant from the Secretaries Office, to bring the Debtor perſonally before the Governour, or any of the Council, for what value ſoever the Debt be of; and there put in ſufficient Security for performance of his Obligation, according to the Tenor thereof, in caſe the Day of payment be not paſt (any Reſtriction in any other Act to the contrary, notwithſtanding) and then to take out Execution againſt his Body, or Eſtate, for ſatisfaction of the ſaid Debt.

And be it further enacted, That if any Perſon or Perſons ſhall be-

fore, or after Certificate obtained as aforeſaid, remove or tranſport any Cattel out of the County he dwelled in, without notice given to four of the neareſt Inhabitants, (who are hereby required to take eſpecial notice of the Ear-Mark and Colour of the Cattel to be removed, and make a Liſt of them and their Marks, and carry the ſame, ſubſcribed by the ſaid Viewers, to the Clerk of the *County-Court*, to be Recorded); he ſhall, upon lawful conviction, forfeit for every Beaſt, tranſported contrary to the Tenor of this Act, One Thouſand Pounds of Tobacco, one half to the Publick, and the other half to him that ſhall make the Complaint againſt the Party ſo offending. And if any Merchant, Mariner, or any other Perſon whatſoever, ſhall tranſport any Perſon or Perſons out of his County without Certificate as aforeſaid, the ſaid Merchant, Mariner, or other perſon, ſo offending, ſhall be lyable to the payment of all the Debts and Engagements of the Party tranſported, being due at the time of his Removal.

LXIII.

Engliſh Weights and Meaſures.

WHereas daily Experience ſheweth, that much fraud and deceit is practiſed in this Colony by falſe Weights and Meaſures; for prevention thereof, Be it enacted, that no Inhabitant or Trader hither, ſhall buy, or ſell, or otherwiſe make uſe of, in Trading, any other Weights or Meaſures, then are uſed and made according to the Statute of in that caſe provided. And for diſcovery of Abuſes, Be it further enacted, That the Commiſſioners of every County, do provide at the Charge of the County, ſealed Weights of Half-hundreds, Quarterns, Half-Quarterns, Seven pounds, Four pounds, Two pounds, One pound; Meaſures of Ell and Yard; of Buſhel, Half-Buſhel, Peck and Gallon of *Winchſter*-Meaſure; Gallon, Pottle, Quart, Pint, of Wine-Meaſure out of *England*; and that the ſaid Weights and Meaſures be kept by the Firſt of every Commiſſion at his houſe, and with them a burnt-Mark of and a Stamp for leaden Weights, and Pewter-Pots; whither all Perſons not uſing Weights or Meaſures brought out of *England*, and ſealed there, ſhall bring all their Barrels (which are to contain five Buſhels) and other Meaſures to be ſealed, and their Stilhars to be tryed; and all Perſons ſelling by other Weights or Meaſures not ſealed, and tryed as aforeſaid, ſhall forfeit One Thouſand Pounds of Tobacco, one half to the Publick, the other half to the Party that ſhall make his Complaint; and if the the Commiſſioners ſhall make default of producing ſuch Weights, Meaſures, Scales, and Stamps, as by this Act they are enjoyned by the

the first of *December*, 1663. the said Commissioners shall be fined five thousand pounds of Tobacco, to the use of the Publick.

LXIV.

County-Courts to grant Probates and Administrations.

BE it enacted, that the *County-Courts* shall be impowred to grant Probates of Wills, and Administrations upon the Estates of Persons dying intestate, to take Security, and receive the Inventories of the said Estates: Provided, That the Clerk of the *County-Court*, when he sends or carries the said Probates, or Commissions of Administration to be Signed, do then also certifie into the Secretaries-Office, the name of the Testator, or the Party deceased, the Executors or Administrators, and their Security, the County and Parish where they dwell, and the *Court* wherein the Administration is granted; to the end that Strangers and other Creditors invested in the Estate, may be the better enabled to find out the Records, in which the Account of the Estate is entred, and be informed, how they may come to their just Dues.

LXV.

Administrations to whom to be granted.

WHereas Commissioners of Administration are suddenly obtained, and the Estate as suddenly disposed of, under the pretence of greatest Creditor, or next of kin, whereby oftentimes they that really are so, are the one defrauded of his just Debt, and the other debarred of his Right and Interest, before either can have notice of the Partie's Decease: Be it therefore enacted, That no Administration be granted, until Nine Months after the Partie's Decease; except to the Widdow or Child, and then to be immediately granted; the said Widdow or Child bringing in sufficient Security for performing all things the Law requires, and saving the *Court* harmless. And be it further enacted, that, in case the said Widdow or Child do administer, the Estate shall be inventoried, and apprizement made by four men appointed by the *Court*, and sworn by a Justice of that *Court*, as formerly; which Inventory and Apprizement shall by the said Widdow or Child, be brought into the next *Court*, held in that County; unless the *Court* for Reasons shewed them, may think fit to grant Liberty to bring it in the *Court* following. But in case, the Decedent die without Widdow or Child, then it is enacted, That the estate for the better improvement thereof, be sold by the *Court* at an Outcry,

and the Purchaſers all putting in ſecurity, and acknowledging Judgments for their Debts, which by the Court ſhall be aſſigned to the ſeveral Creditors of the Decedent, and paid according to the Priority in Law: and the ſurpluſage remaining (if any) to be delivered to the next Kinſman of the Decedent, if he appears; or, if none prove himſelf ſuch within three years, then the Court to give an Accompt of the ſaid ſurpluſage to the Aſſembly who are to diſpoſe of the ſame to the uſe of the County; allowing to the Court, or whom they intruſt for the managing of it, for his reaſonable coſts and pains.

And, when the Widdow or Child Adminiſters, the Surpluſage (after Debts paid, and the funeral charge according to the quality of the perſon allowed for) ſhall be equally divided between the Widdow and Children (*viz.*) one full third of the perſonal Eſtate to the Widdow, and the other two Thirds among the Children: if any of which dye before it come to age, his proportion to be devided among the ſurviving Children.

And whereas, It hath been the frequent evil practice of Adminiſtrators, aſſoon as they have obtained an Order to Adminiſter, to Act as Adminiſtrators by vertue of that Order, without giving ſecurity, or taking out their Commiſſions, ſo that, the Eſtate being imbezelled away, no Accompt can be given thereof. Be it therefore Enacted, That who ever pretends to Adminiſter upon any Eſtate, ſhall bring to the Court ſufficient ſecurity before the Order ſhall be granted: and an Order thus obtained legally, by giving ſuch ſecurity to be truly accomptable to bring in a true Inventory, and to perform ſuch things as the Adminiſtrators by Law are enjoyned, ſhall not at any time after be reverſed, unleſs the party that obtained the ſame dye before he hath given an Accompt of the Eſtate, and obtained his *Quietus*. In which caſe, the Court is impowred to grant the Adminiſtration of that Eſtate, ſo not accompted for to ſome other perſon, who may by vertue thereof call his Heirs, Executors, or Adminiſtrators of the former Adminiſtrators to Accompt, who ſhall pay out of the ſaid deceaſed Admiſtrators Eſtate, all ſuch debts as ſhall be found due to the Eſtate he Adminiſtred upon in the firſt place.

LXVI.

Concerning Orphans.

CONcerning Orphans Eſtates be it enacted, That all Wills and Teſtaments be firm and inviolable, unleſs the Executors, or Overſeers, do refuſe to execute the Truſt repoſed in them by the Teſtator. In which caſe, the Court may appoint others to Act according to the Will; but, if the ſaid Will be ſo made, that no perſon will under-

undertake the managing of the Eſtate or Education of the Orphans, according to the Tenour of it; then that the Eſtate by the appointment of the Court ſhall be managed according to the Rules ſet down for the ordering the eſtate of perſons Inteſtate, as followeth;

Firſt, That no Accompt be allowed for Dyet, Clothes, Phyſick, or elſe, againſt any Orphans Eſtate; but they to be Educated and provided for, by the intereſt of the Eſtate and Increaſe of their Stock according to the Proportion of their Eſtates, if it will bear it. But, if the Eſtate be ſo mean and inconſiderable, that it will not extend to a free Education; Then it is Enacted, That ſuch Orphans ſhall be bound Apprentices to ſome Handi-craft Trade, until one and Twenty years of age except ſome Kinſman or Relation will maintain them for the Intereſt of the ſmall Eſtate they have, without diminution of the principal, which whether great or ſmall, alwayes to be delivered to the Orphan at the years appointed by Law.

That all Cattel, Horſes, and Sheep, be returned in kind by the Guardian according to Age and Number, when as he received them. And, becauſe ſeveral had, before the firſt making of this Act, Eſtates of Orphans, in their hands which they kept for the Male-increaſe and giving the yearly Accompt of the Augmentation or Diminution of the Orphans Stock (which by the careleſneſs or wickedneſs of the Guardians was uſually conſumed before they came to age), and diſputes thereupon ariſe in the ſeveral Courts, how ſuch perſons ſhould be proceeded with, and Accompts of Orphans Eſtates, how to be given them. It is hereby declared, That all perſons poſſeſſed of Orphans Stocks before the firſt making this Act, ſhall be bound to deliver to the Orphan when he comes to age, ſuch and ſo many of any kind as he was poſſeſt of, when he gave his Accompt to the next Orphans Court ſucceeding the publication thereof.

That all Plate and Money be preſerved and delivered in kind, according to the weight and quantity; that other Houſhold-ſtuff and Lumber be apprized in Money and the value thereof paid by the Guardian to the Orphan when he comes to age in the Countrey. Commodities at the price Currant, as it ſhall be worth at the time in the place where the Orphan Eſtate is managed.

That the Court take able and ſufficient ſecurity for Orphans Eſtates, and enquire yearly of the ſecurity; and, if the Court ſee cauſe, to have it changed, and called in and placed as the Court ſhall think fit: the ſaid Court to enquire alſo, whether Orphans be kept, maintained, and educated according to their Eſtates, and if they find any notorious defect to remove the Orphans to other Guardians. And alſo for thoſe that are bound Apprentices, to change their Maſters if they uſe them rigorouſly, or neglect to teach them their Trades.

That no more be allowed to Guardians for Collecting of Debts due to any Eſtate then ten in the hundred, the uſual allowance of Merchants to their Factors and Attorneys.

That Thirty pounds of Tobacco *per* day be allowed to each Apprizer for Apprizement of any Eſtate (if they will take it) and no more.

That no allowance be made by the Court of Exceſſive Funeral expences, but that a Regulation thereof be made according to the Proportion of the Eſtate, and the Quality of the Perſon.

LXVII.

Orphans-Land not to be aliened.

BE it alſo Enacted for the future benefit of al Orphans, That the ſeveral *County-Courts*, do take into their ſerious conſideration and care, that the Lands in their County belonging to any Orphan, be not aliened, ſold, or taken up as deſerted Land, by any perſons during the minority of the Orphan; and that the Guards or Overſeers of any Orphan do not lett, ſet, or Farm out any Land belonging to any Orphan, for longer Tearm than until the Orphan be of age; and that an eſpecial care be had, that the Tenant ſhall improve the Plantation, by planting an Orchard and building a good Houſe, and that the Tenant be bound to maintain good Fence about the Orchard, and keep the Houſe in ſufficient repair, and leave it Tenantable at his ſurrender; and that Proviſion be made in the Leaſe for preventing all Waſt of Timber, or imploying it to any other uſe then the uſe of the Plantation.

LXVIII.

Grants of Land.

BE it hereby Enacted, That any perſon or perſons, claiming Land as due by Importation of Servants, ſhall firſt prove their Title or Juſt Right before the Governor and Council, or produce Certificates from the *County-Courts*, to the Secretarie's Office, before any Survey be made or Grant admitted. It being unreaſonable, that others furniſhed with Rights ſhould be debarred by pretence of a Survey which in it ſelf is no Title.

LXIX.

Deserted Lands.

BE it also Enacted, That no Pattent of Land shall hereafter pass upon pretence that the Land is deserted for want of Planting within the time of three years, unless proof thereof be made before the Governor and Council, and an Order obtained from them for the Pattenting thereof; neither shall the first Petitioner for any deserted Land be denyed of having the first grant, he making his Rights appear, when he Petitions for the Land. And whereas the former Act concerning deserted Lands reserved to the first taker up his Rights to take up Land in another place: It is here Enacted, That in regard he hath had the benefits of his Rights, held the Land in possession, might make use of the Timber without contradiction, and yet neither pays the King any Rents, nor suffers him to admit any new Tenant, that the Rights aswell as the Land shall be forfeited, and the Grantee made incapable of using any of them afterwards. Provided, that any person having taken Upland, deserted before the making of this Act in *November*, 1652. shall not by vertue of this Act be outed of possession.

LXX.

Seating upon others Dividents.

WHereas divers Suits have risen about Seating ignorantly upon other mens Lands; for desiding the same; Be it enacted, that, if any person whatsoever hath built or seated upon any Lands, supposed his own, but proving by a Just Survey to belong to another; the charge of such building, Seating or Cleering, shall by twelve men upon their Oaths be indifferently valued, and the consideration by the said Twelve men so adjudged shall be paid by the owner of the Land to the first Seater that was at the charge. But, if that shall amount to more then the said Owner is willing to disburse, then the said Twelve men shall make a valuation of what the Land was worth before the Seating thereof, which the Seater shall accordingly pay to the true Owner. Provided alwayes, That no consideration, shall be allowed for Building or Cleering, to any person that shall obstinately persist after lawful warning given him to desist.

LXXI.

Not to Shoot or Range upon other mens Lands.

WHereas the Rights and Intereſts of the Inhabitants are very much infringed by the hunting & ſhooting of divers men upon their Neighbours Dividends, contrary to the Priviledges granted them by their Pattents, whereby many Injuries do dayly happen to the owners of the ſaid Land; Be it Enacted, That if any Planter, or other, ſhall hunt or ſhoot within the limits of anothers Dividend without leave firſt obtained from the Proprietor, he or they ſo offending ſhall forfeit for every ſuch Treſpaſs Four hundred pounds of Tobacco, one half to the Owner of the Land, and the other half to Publique uſes. Notwithſtanding, it ſhall be lawful for any perſon or perſons to hunt or ſhoot upon any Dividend of Land, not planted, or ſeated, though taken up without reſtraint or penalty. Provided alſo, That it ſhall be lawful for any perſon, that hath ſhot any game without the limits of another mans Land, to purſue the ſame into any mans Dividend, and freely to carry away the ſame; as alſo to ſeek or fetch his own Cattle or Hoggs off, of any mans Land; firſt giving notice to the owner of the Land of his intent, and of the time he intends to ſtay upon it, to the end that the ſaid owner may, if he think fit, ſend one to ſee what Cattel or Hogs he drives away. Provided alwayes, that it ſhall be lawful for the Governour to Commiſſionate ſome Gentlemen to give licence to perſons to hunt wild Hogs upon any mans Land without their Fenced Plantations.

LXXII.

Lands five years in poſſeſſion.

WHereas ſundry Suits and Controverſies have been, and dayly do ariſe, about Claims and Titles to Lands, to the great impoveriſhing of divers perſons: For Remedy whereof, and for the better eſtabliſhing the Inhabitants in the Rights and Poſſeſſions hereafter; Be it Enacted, That all perſons whatſoever, that have or do pretend any Title to any Land, ſhall proſecute their Claims before the ſaid Land hath been peaceably enjoyed Five years; otherwiſe, it ſhall be a good plea in Bar for the Poſſeſſour of ſuch Land Claimed or Poſſeſſed, to affirm, He hath had peaceable Poſſeſſion, without Claim, by Commencement or Proſecution of Suit, full five years: proof whereof, ſhall be a ſufficient Confirmation to the Poſſeſſor, and ſhall conclude the Claim and Title of the pretender. And this

this Act to extend to all ſuch as have not proſecuted their Title within five years, ſince the 6 day of *October*, 1646. Alwayes provided, that the limitation of five years in this Act expreſſed, ſhall not bar Orphans, nor Widows under Covert, nor perſons out of the Countrey, nor perſons of unſound mind: But that the ſaid Orphans ſhall have five years, after they be of Age; Women five years free from Coverture, (*viz.*) If ſhe marry again before her five years are expired, and her husband omit to make Claim, his omiſſion ſhall be a good bar againſt him; but if the Woman ſurvive, ſhe ſhall have ſo long time allowed her to Claim in, as will make up the firſt time of her freedom, Five years. Perſons of unſound mind, five years after their recovery from their impotence. Perſons out of the Countrey, five years after their Arrival in the Countrey: Provided, they come in within two years after the Title to the Land became due; in which times, if they Claim not, as aforeſaid, to be utterly barred for ever. For otherwiſe the expectation of Heirs, out of *England*, where there is none born here, muſt in a ſhort time leave the greateſt part of the Countrey, unſeated and unpeopled; no man knowing how or of whom either to purchaſe or take Leaſe.

LXXIII.

Againſt Fraudulent Conveyances.

BE it enacted and confirmed, That no perſon or perſons whatſoever, ſhall paſs over by Conveyance, or otherwiſe, any part of his Eſtate, whether Lands, Goods, or Cattel, whereby his Creditours, not having notice thereof, might be defrauded of their juſt Debts; unleſs ſuch Conveyance, or other Deeds, be acknowledged before the Governour and Council, at the *General-Court*; or before the Juſtices at the *County-Courts*, and there Regiſtred in a Book for that purpoſe, within ſix moneths after ſuch Alienation. And whoever ſhall make over or alienate any part of his Eſtate, otherwiſe then is here expreſſed, the ſame ſhall not be accompted valid in Law; nor ſhall it bar any Creditor, by ſeizing the ſame by Law, for ſatisfaction of the Debt; the Property of the Eſtate not being legally veſted in any but the firſt Vendour. And it is further Enacted, That any Conveyance made, and acknowledged, and recorded, ſhall not be held good in Law, againſt any Creditours, or former Purchaſers, until four moneths after ſuch Acknowledgment made and recorded; in which time the Creditours, or former Purchaſers, may ſhew for what cauſe the ſaid Conveyance is to be accompted Fraudulent; but if none appear within the ſaid four moneths, after the firſt Acknowledgment in Court, then the Sale ſhall be for ever after good, againſt all other Claimers or Pretenders whatſoever; unleſs ſuch

as pretend to overthrow the first sellers Title, in whom only five years possession can bar. Provided, that this Act shall not extend to such persons, who, for satisfaction of just Debts, shall make a Bill of Sale of their Estates, or any part thereof, and deliver it *bona fide*, into the possession of the Creditour; but such Act shall be good and valid, to all intents and purposes, this Act being made only to prevent fraud and deceit.

LXXIV.

Quit-Rents how to be paid.

WHereas his Majesties hath by his Commissioners appointed a Treasurer to receive the Quit-Rents, and other Fees and Profits due to his Majesty; And the payment of Quit-Rents being due in Money, which we, being destitute of Coin, cannot procure: Be it Enacted, That those persons that cannot procure Money, shall pay their said Rents in Tobacco, at two pence *per* pound, to such Collector, or Collectors, as by his Majestie's Treasurer shall be appointed; and that the Countrey paying the Rents double, the two next years shall be acquitted from all Arrears by Assent of the Honourable Sir *William Berkeley*, who is authorized by the Treasurer to make Composition.

LXXV.

Surveyors of Land.

BE it Enacted, That Surveyors of Land shall demand no more than Twenty pounds of Tobacco, for measuring One hundred Acres of Land, if the parcel exceed Five hundred Acres; but if under, to be allowed One hundred pounds of Tobacco, and for the same shall deliver an exact Plot of each parcel Surveyed and Measured: And if any Surveyor, upon reasonable demand, shall refuse to measure the Dividend for any person whatsoever, for the consideration and satisfaction aforesaid, such Surveyor shall be liable to the censure of the Court, in that County where he liveth. And if any Surveyor shall be desired to go further, from his place of Residence, than he can return in one day, such Surveyor shall have the allowance of Thirty pounds of Tobacco *per* day, for every dayes absence from his dwelling; and if his passage cannot be but by Water, then such persons as shall imploy him, shall provide for his transport out and home. Provided, no pay to be received before the Plot delivered.

LXXVI.

Land to be plainly Marked and Bounded.

WHereas many Contentious Suites do ariſe about Titles to Land, occaſioned much through the Fraudulent and underhand-dealing of Surveyors, who frequently make ſales of the Surveyes by them made in the behalf of one perſon, to another; whereby, oftentimes, he that had the firſt and juſteſt Right, is unjuſtly deprived of his due: For prevention whereof, for the future, Be it Enacted and Ordained, That no Surveyor of Land, ſhall give a Plot of any Land Surveyed by him, unto any other perſon whatſoever, untill ſix moneths after ſuch Plot is drawn, according to its Survey. And that all Land Surveyed, ſhall be, at the Surveying thereof, plainly Marked and Bounded, for all perſons to take notice of; that none may, by the ignorance of the Bounds, intrench upon anothers Right. And the perſons offending, either in giving out of Surveyes, contrary to this Act, or not ſufficiently marking his Bounds, to forfeit Five hundred pounds of Tobacco, for every hundred Acres the Survey ſhall be given of, to the uſe of the Countrey.

LXXVII.

What Fences ſhall be ſufficient.

BE it alſo enacted and confirmed, by this preſent *Grand Aſſembly*, That every Planter ſhall make a ſufficient Fence about his cleared ground, at the leaſt four foot and a half high; which, if he ſhall be deficient in, what Treſpaſs or Dammage ſoever he ſhall receive or ſuſtain by Hogs, Goats, or Cattel, ſhall be his own loſs and detriment. And alſo, if it ſhall happen, that any perſon ſhall hunt any of the ſaid Horſes, Mares, Hogs, Goats, or Cattel, that ſhall ſo offend and do them harm, he ſhall make ſatisfaction for any of them that ſhall be ſo hurt, to the owners of them, to be recovered in any Court of Juſtice within the Colony. And it is further Enacted, That where any Horſes, Mares, Cattel, or Hogs, ſhall endamage any perſon for want of ſuch Fence, as aforeſaid, and the party damnified, do wilfully kill, or otherwiſe hurt, ſo as the Cattel, Hogs, Horſes, or Mares, do die of ſuch hurt, whether by Dogs ſet upon them, or otherwiſe; in ſuch caſe, the owner of the ground ſhall not only be liable to ſatisfie the value of ſuch Horſes, Mares, Hogs, or Cattel; but, by vertue of this Act, be adjudged to ſatisfie double the value of ſuch Horſes, Mares, Hogs, or Cattel ſo killed, to the owners of them.

And further, Be it enacted, That where the Fence ſhall be adjudged ſufficient, (*viz.*) four foot and a half high, and cloſe down to the bottom, that in caſe any Dammage or Treſpaſs be then done or committed to any perſon, having ſuch Fences, by either Horſes, Mares, Goats, or any other Cattel whatſoever, the owners of ſuch Horſes, Mares, *&c.* ſhall be liable to make ſatisfaction for their Treſpaſs and Dammage, to the perſon injured, in caſe the Fence be found by two honeſt men appointed by the next Commiſſioner to be ſufficient.

LXXVIII.

Bounds of Lands to be every four years renewed by the view of Neighbourhood.

WHereas many contentious Suits are dayly incited and ſtirred up about the Bounds of Land, for which no Remedy yet hath been provided, the 57 h. Act prohibiting Re-ſurveyes, not applying the expected Remedies; for if the Survey be juſt, yet Surveyors being, for the moſt part, careleſs of ſeeing the Trees marked, or the owners never renewing them: in a ſhort time, the Chops being grown up, or the Trees fallen, the Bounds become as uncertain as at firſt, and upon a new Survey the leaſt variation of a Compaſs, alters the ſcituation of the whole Neighbourhood, and deprives many perſons of Houſes, Orchards, and all to their infinite loſſe and trouble. For prevention whereof, Be it Enacted, That within twelve moneths after this Act, all the Inhabitants of every Neck and Tract of Land adjoyning, ſhall go in Proceſſion and ſee the marked Trees, of every Mans Land in thoſe Precincts, to be renewed; and the ſame courſe to be taken once in every four years; by which means, the inconveniency of Clandeſtine Surveyes, will be taken away, and the Bounds will be ſo generally known, and the marks ſo freſh, that no alteration can be made afterwards. And, Be it further Enacted, that the Bounds, by the conſent of the preſent Proprietors, being once thus ſetled, ſhall conclude the ſaid Proprietours, and all others Claiming from or under any of them, from any future Alterations of their Bounds; be there, within the ſaid Bounds, more or leſſe Lands then they pretend to. And if it ſhall happen any difference to be at preſent, that cannot be by the Neighbours themſelves decided: Be it further Enacted, that two honeſt and able Surveyors ſhall, in preſence of the Neighbourhood, lay out the Land in controverſie, and the Bounds laid out to be the certain Bounds, and ever after to be renewed and continue ſo; (but the perſon cauſing the difference, to pay the charge of the Survey.)

Survey.) It tending much more to the preſervation of Friendſhip among Neighbours, to have a preſent and final Deciſion of their differences, while men yet live that are acquainted with the firſt Surveyes, and while Land is yet at a low value, then it will be when time hath raſed out all knowledge to the Bounds, and added a great value to the Land.

Be it Enacted further, That each *County-Court* ſhall appoint and order the Veſtries of each Pariſh, to divide the Pariſhes into ſo many Precincts, as they ſhall think neceſſary, for the Neighbours to joyn in, and ſee each others Marks renewed; and to appoint certain dayes, between *Eaſter* and *Whitſontide*, to go the ſaid Proceſſions, and put this Act into effectual Execution. And in caſe the Court ſhall omit to make ſuch Orders, and to ſend the ſame to the ſeveral Veſteries of the Pariſhes in their Counties, they ſhall be fined Ten Thouſand pounds of Tobacco: And the Veſteries failing to order the Precincts and the perſons to go together, ſhall be fined Twelve hundred pounds of Tobacco: And the perſon failing to go upon the day appointed, or to renew his Marks accordingly, ſhall, for his neglect, be fined Three hundred and fifty pounds of Tobacco.

LXXIX.

Surveyors for High-wayes.

WHereas through the frequent Alterations of the High-wayes, by falling of Trees over them, and many times taking them into Fenced Plantations, to the great hinderance of Travellers and Traders; Be it therefore Enacted, That the Juſtices do yearly, in *October-Court*, appoint Surveyors of the High-wayes, who ſhall firſt lay out the moſt convenient wayes to the Church, to the Court, to *James*-Town, and from County to County; and make the ſaid wayes forty foot broad, and make Bridges where there is occaſion. And the Wayes being thus laid out, and Bridges made, they ſhall cauſe the ſaid Wayes to be kept cleer from Logs, and the Bridges in good repair; that all his Majeſties Subjects may have free and ſafe paſſage about their Occaſions. And to effect the ſame, the Veſtries of every Pariſh, are, upon the deſire of the Surveyor, hereby enjoyned and impowred, to order the Pariſhioners, every one according to the number of Tithables he hath in his Family, to ſend men, upon the dayes by the Surveyors appointed, to help them in Clearing the Wayes, and Making or Reparing the Bridges, according to the intent and purpoſe of this Act. And if any Court ſhall omit the appointing Surveyors, or they neglect the Executing their Office, or the Veſtry to order the Work, or any perſon to ſend help according to the ſaid Veſtries order; the ſaid Court, Surveyor, Veſtry, or

Perſon, ſhall be Amerced Five hundred pounds of Tobacco, to the uſe of the County. And if any perſon ſhall, contrary to this Act, fall Trees upon the High-wayes, and not clear the ſame; or incloſe any part of the ſaid High-wayes within any Fence; the Grand-Jury ſhall preſent the ſame as a common Nuſance, and the Incloſure ſhall be thrown open, and the Offender be fined One Thouſand pounds of Tobacco, to the uſe of the County: And if any Counties have Creek or Swamp, limitting the Bounds between the ſaid Counties, it is Enacted, that both Counties bounding upon ſuch paſſage, ſhall contribute to the making the Bridge, or making the way over it.

LXXX.

Tobacco, when to be demanded.

WHereas many Creditors, for ſeveral by-reſpects, neglect the Demanding the Tobacco due to them in due time, by that means inforcing the Debtor to the inconveniency of not diſpoſing of his Tobacco, and yet not paying his Debts, to the great dammage and prejudice of the ſaid Debtor: Be it therefore Enacted, that every perſon or perſons, not demanding his or their Debts between the Tenth of *October*, and the laſt of *January*, ſhall not ſue or implead any perſon or perſons indebted to him or them for preſent payment; but it ſhall be lawful for any perſon, owing Tobacco, to diſpoſe of the ſame for his own uſe, after the ſaid laſt of *January*, if it have not been demanded, according to the tenor of this Act; and no execution to iſſue for a Tobacco-Debt, but againſt the perſon, who ſhall have liberty to free himſelf by putting in Security to pay the Debt the following Crop. Provided alwayes, that it ſhall be lawful for the Creditor, to ſue or implead his Debtor for Security for his Debt againſt the next year; any thing in this Act to the contrary notwithſtanding.

LXXXI.

Judgments and Specialties how long pleadable.

WHereas the nature of our Trade in *Virginia*, enforceth us to engage by Bills, Bonds, and other Writings; for diſcharge of which, in part or in whole, the Debtor is often conſtrained to accept of Receipts, the ſaid Bills, Bonds, Judgments, and other Writings, remaining ſtill in the hands of the ſaid Creditor: and the Receipt being oftentimes loſt, the Debtor, and eſpecially the Executors, and Admi-

Adminiſtrators of a perſon Deceaſed, not being able to prove payment; thoſe Debts are frequently demanded, and unjuſtly recovered, which before had been juſtly paid and diſcharged: For remedy whereof, Be it Enacted, That no Bills or Bonds be of force, or recoverable, five years after the date of the ſaid Bills or Bonds; nor any Bills or Bonds heretofore made, five years after the date of this Act. As alſo, that no Judgment ſhall be of force ſeven years after the Grant thereof, or after the date of this Act, as aforeſaid; but if the Debtor ſhall depart the Countrey, and leave no Attorney to Anſwer for him, or any other way conceal, or privily remove himſelf, into any part of the Countrey, and by that means render the renewing of the Bill impoſſible, ſuch time of his abſence or concealment ſhall not be accompted any part of the five or ſeven years limited.

LXXXII.

Atturnies for Buſineſs out of England.

WHereas many perſons in this Countrey, entertain, as Atturnies, many troubleſome Buſineſſes out of *England*, and other places, where juſtly there is no occaſion for ſuch Moleſtation; and yet the parties moleſted, are left deſtitute of relief, by reaſon the ſaid Diſturbers have no Eſtate in this Country, to ſatisfie Damages they are condemned in: Be it therefore Enacted, That no Atturney, by any power out of *England*, or elſe where, ſhall ſue or implead, any perſon of this Colony, without giving firſt good Security that he the ſaid Atturney ſhall pay all ſuch Coſts and Dammages as the Court ſhall award againſt him, where the Law ſhall find that he the ſaid Atturney hath by that power unjuſtly moleſted the Defendant.

LXXXIII.

Burgeſſes.

WHereas no proviſion hath been made for the certain Conveyance of Publique Writs for the Election of Burgeſſes, whereby, the delivering the ſaid Writs being Retarded, the Sheriff hath no time to give notice to the people, according to Law, nor make a timely Return of the Writs, nor can the Burgeſſes appear at the day: For remedy whereof, Be it Enacted by this preſent Grand Aſſembly, That the Secretary provide for the timely conveyance of the Writs into every County, to be delivered to the Sheriff

thereof, and for his pains be paid One hogſhead of Tobacco, weighing Three hundred and fifty pounds, for every County; and in caſe any neglect be proved againſt him, that he be fined for ſuch neglect at the diſcretion of the Aſſembly: Alwayes provided, he have the Writs ſigned forty dayes before the day of the Return.

LXXXIV.

Burgeſſes Aſcertained.

WHereas the charge of Aſſemblies is much augmented, by the great number of Burgeſſes unneceſſarily choſen by ſeveral Pariſhes: Be it Enacted, That hereafter no County ſhall ſend above two Burgeſſes, who ſhall be Elected at thoſe places in each County, where the *County-Courts* are uſually kept. Provided alwayes, that *James*-City, being the Metropolis of the Countrey, ſhall have the priviledge to elect a Burgeſſe for themſelves. And every County that will lay out One hundred Acres of Land, and people it with One hundred Tithable perſons, that place ſhall enjoy the like priviledge.

LXXXV.

Burgeſſes Charges Aſcertained.

WHereas the immoderate Expences of the Burgeſſes, cauſing divers heart-burnings between them and the People, occaſioned an Injunction to make agreement for the Allowance before the Election, which may hereafter probably induce intereſted perſons to purchaſe Votes by offering to ſerve at low Rates; by which means, that Candour and Freedom which ſhould be in the choice of perſons credited with ſo honourable and great a Truſt, might be very much prejudiced, and the place it ſelf become mercenary and contemptible: Be it therefore Enacted, That the Maintenance of every Burgeſſe ſhall be One hundred and fifty pounds of Tobacco and Cask *per* day, beſides the neceſſary charge of going to the Aſſembly and returning.

LXXXVI.

Burgeſſes to appear upon the day.

WHereas many inconveniences happen by the not appearing of Burgeſſes upon the preciſe day of the Return of the Writ,

as

as leaving the buſineſs of the greateſt importance, the prudent choice of a Speaker, to a ſmall party that firſt appears; upon which, divers animoſities may ariſe in ſome that diſlike the Election, to the great detriment of the Publique Affairs; which by this means are retarded, and the Charges of thoſe Counties, whoſe Burgeſſes firſt appeared, increaſed: Be it therefore Enacted, That what Burgeſſe ſoever ſhall fail in making his Appearance and Attending the Aſſembly preciſely upon the day of the Return of the Writ, ſhall be fined for every day's abſence, Three hundred pounds of Tobacco, to be diſpoſed of by the Aſſembly, unleſs he be obſtructed by ſome ſuch impediment as the Houſe ſhall judge might be a lawful and reaſonable cauſe to hinder his coming.

LXXXVII.

Burgeſſes not to be Arreſted.

FOR the Diſpatch and Reputation of the Publique Buſineſs, Be it Enacted, That none of the Burgeſſes of any Aſſembly, nor any of their Attendants, ſhall be Arreſted, from the time of their Election, untill ten dayes after the Diſſolution of the Aſſembly, wherein he ſerves as a Burgeſſe. Provided, that if the Aſſembly be Adjourn'd for above a moneth, the ſeveral Burgeſſes ſhall ten dayes after that Seſſion be liable to Arreſts, and other Proceſſes; and if in the Interval of Seſſions they be Arreſted and proſecuted to Execution, and that ſerved; the Execution ſhall be ſuſpended ten dayes before the next Seſſion of that Aſſembly, and continue ſo untill ten dayes after it, at which time the priviledge of Burgeſſe ſhall ceaſe and determine.

LXXXVIII.

No Order to contradict an Act.

BE it Enacted and Confirmed, That no Act of Court, or Proclamation, ſhall, upon any pretence whatſoever, enjoyn obedience thereunto, contrary to any Act of Aſſembly, until the Reverſal of that Act by a ſucceeding Aſſembly.

LXXXIX.

Aſſemblies to enquire after the Breach of Laws.

WHereas ſeveral Laws have been, by divers Aſſemblies, made for the good of this Countrey; which, for want of due obſervation, have not produced the deſired Effect: And whereas it is by this Aſſembly Enacted, that the Grand Jury of Inqueſts, ſhould twice Annually make preſentment of the breach of all Penal Laws, and that the Aſſembly ſhould diſpoſe of the Fines levyed upon the ſeveral Offenders, for the uſe of thoſe Counties wherein they accrewed due: Be it Enacted, that for the future, the firſt day of every ſucceeding Aſſembly, ſhall be imployed in receiving the ſaid Preſentments of the Grand Jury, & to enquire into the remiſneſs of Juries and Courts, and how the Laws have been put in Execution, and diſpoſing the Fines; that by that means the Laws may be reſtored to their due vigor, and Offenders be deterred from neglect or contempt, when they ſhall find, a ſevere accompt of their Obſervation is ſo diligently enquired into.

XC.

Publique Letters, how to be Conveyed.

WHereas the remoteneſs of divers places in the Countrey from *James*-City, and the neceſſity of communicating divers buſineſſes to the utmoſt limits of it, would, if Meſſengers were preſſed purpoſely, put the Countrey to an Annual great Expence: For prevention thereof, Be it enacted, That all Letters ſuperſcribed for the uſe of his Majeſty, or the Publique, ſhall be immediately conveyed from Plantation to Plantation, to the place and perſon they are directed to, under the penalty of Three hundred and fifty pounds of Tobacco, to each default; and if any perſon be put thereby to any extraordinary charge, the Court of each County is hereby authorized to judge thereof, and to levy payment for the ſame; the Superſcriptions being ſigned by the Governour, ſome one of the *Quorum*, or the Colonel, Lieutenant Colonel, or Major of a Regiment: And where any perſon in the Family the ſaid Letters come to, can write, ſuch perſon is required to endorſe the day and hour he received them, that the neglect or contempt of any perſon ſtopping them may be the better known, and be puniſhed accordingly.

XCI. *Divul-*

XCI.

Divulgers of falſe News.

WHereas many idle and buſi-headed People do forge and divulge falſe rumors and reports to the great diſturbance of the peace of His Royal Majeſtie's Leige-People in this Colony: Be it enacted, That what Perſon or Perſons ſoever ſhall forge or divulge any ſuch falſe Reports, tending to the trouble of the Country, he ſhall be by the next Juſtice of Peace ſent for, and bound over to the next *County-Court*; where, if he produce not his Author, he ſhall be fined Two thouſand pounds of Tobacco (or leſs, if the Court think fit to leſſen it) and beſides, give Bond for his Behaviour, if it appear to the *Court*, that he did malitiouſly publiſh, or invent it.

XCII.

Chirurgions Accounts regulated.

WHereas the exceſſive and immoderate prices exacted by divers avaritious and griping Practitioners in Phyſick and Chirurgery, hath cauſed ſeveral hard-hearted Maſters, ſwayed by profitable more than charitable reſpects, rather to expoſe a ſick ſervant to a hazard of the recovery, then put themſelves to the certain Charge of a rigorous, though unskilful Phyſician, whoſe demands for the moſt part exceed the Purchaſe of the Patient; many other poor people alſo being forced to give themſelves over to a lingering Diſeaſe, rather then ruine themſelves, by endeavouring to procure an uncertain Remedy: For redreſs thereof for the future, Be it enacted, that it ſhall be lawful for any Perſon or Perſons conceiving the Account of the Phyſician or Chirurgion unreaſonable, to arreſt the ſaid Phyſician or Chirurgion to the *General* or *County-Court*; where the Phyſician or Chirurgion ſhall declare upon his Oath the true value, coſt, and quantity of the Drugs adminiſtred; for which, the Court ſhall grant order againſt the Plaintiff with fifty *per cent.* advance, and ſuch conſideration for his care, viſits, and attendance, as they ſhall judge he hath deſerved; and if it ſhall appear by Evidence, that the ſaid Phyſician or Chirurgion hath neglected his Patient, while he was under cure, the *Court* ſhall cenſure him to pay ſo much, as they in their diſcretion ſhall think reaſonable.

XCIII.

Chirurgions Accounts, pleadable after deceaſe of the Party.

WHereas by Act of many Aſſemblies, no Accounts are pleadable againſt dead mens Eſtates, whereby many ſcruples have been made about the Accounts of Phyſicians and Chirurgions, who cannot, poſsibly, take Bill. Be it therefore enacted, That Phyſicians and Chirurgions Accounts ſhall be pleadable and recoverable, for means adminiſtred, and Pains taken, in the time of Sickneſs, whereof the Party dies; and where the Patient recovers, Six Months after ſuch recovery, and no longer.

XCIV.

Diſcounts to be made in Courts.

BE it enacted, for the avoiding many cauſeleſs Suits in Law, That where any Suit ſhall be commenced in any *Court* for a Debt, that if the Defendant have either Bill, Bond, or Account of the Plaintiff's, wherein he proves the Plaintiff Debtor, ſuch Debt of the Plaintiff ſhall be diſcounted out of the Debt he claimeth of the Defendant; and judgment ſhall be given for no more than the ballance of the Debt will amount to, Conſideration being alwayes made of the times their ſeveral Debts have been due, and accordingly allowance made for the time. And becauſe it many times happens, that the Defendants in ſuch caſes, do procure Bill or Accounts of the Plaintiff's, from other men, which he perhaps can diſcount with thoſe to whom he paſſed ſuch Specialty or Account: It is therefore enacted, That no Bill or Account being aſsigned over, ſhall by the Aſsignee be pleadable againſt the Debtor in ſuch Bill or Account, unleſs the Aſsignee can prove, that he gave the Debtor notice before his Acceptance of the Aſsignment, and that the Debtor at that time pretended to no diſcount againſt it.

XCV.

Accounts againſt dead Mens Eſtates.

WHereas too ſad experience hath ſhewed, that Accounts againſt the Eſtates of Perſons deceaſed, have often unjuſtly devoured the Eſtates, and brought the Wives and Children to poverty

verty and ruine; And whereas as well the Laws of *England*, as of this Country, permit not any thing to be pleadable againſt any Perſon that cannot wage his Law; which, Executors and Adminiſtrators are utterly uncapable of: Be it therefore enacted, That no Book-Debts, or Accounts, ſhall be henceforth pleadable againſt the Eſtate of any Perſon deceaſed, nor againſt any living, if the ſaid Perſon ſhall upon his Oath, deny the ſame to be due; unleſs they be ſuch Accounts, as by particular Acts of the Aſſembly, as Officers Fees, Levies, and Chirurgions Accounts, are pleadable; neither ſhall any man be put to his Oath upon an Ordinary-Keeper's Account; but the ſaid Ordinary-Keeper's ſhall take the hand of any Perſon (calling for any Drink or Proviſion) to his Book, or elſe his Bill; or otherwiſe his Debt ſhall not be pleadable.

XCVI.

Ballancing Accounts of Deceaſed Perſons.

AND whereas divers men being indebted to others upon account, may be induced to deliver Goods to them, or their Aſſigns in ballance, yet take no Receipt; which Account, upon the Death of either Party may be brought by his Executors or Adminiſtrators, againſt the Survivor, of which he cannot, upon his Oath, deny the Receipt; yet that Account, though juſtly ballanced before, is often recovered by this Act prohibiting Accounts againſt dead mens Eſtates, yet leaving Liberty to their Executors or Adminiſtrators, to ſue for an Account due to the Eſtate of the Perſon Deceaſed: Be it therefore enacted, That accounts againſt a dead mans Eſtate, being ſufficiently proved, ſhall be admitted in diſcount of an Account due to ſuch dead mans Eſtate; but if the Account brought againſt the Eſtate, exceed that due to the Eſtate, the Survivor, for the Overplus ſhall be diſmiſſed without day: Provided alſo, that where the Party charged as Debtor to any one, ſhall refuſe upon his Oath to deny the Account brought againſt him (except an Ordinary-Keeper's, which it is impoſſible to keep in memory, or any part thereof) the *Court* ſhall take the Account to be due, as by Confeſſion; and ſhall give Judgment for ſo much thereof as he ſhall not deny as aforeſaid.

XCVII.

Ordinary-Keepers, how to ſell.

WHereas continual Complaints are made of the Exaction of Ordinary-Keepers, and Others, in the Rate and Meaſures

of Strong-Drink, by them retailed and ſold: Be it enacted, That no Perſon, after the firſt of *March*, One thouſand ſix hundred ſixty and three, ſhall ſell or vend by retail, any Wine, Beer, or other Strong-Drink, of what ſort ſoever, by any Meaſures, but Engliſh ſealed Meaſures, of Pints, Quarts, Pottles or Gallons; and that every one, that now doth, or hereafter ſhall keep any Ordinary, ſhall by the ſaid Firſt of *March*, 1663. provide ſuch Meaſures to ſell by in his Houſe; and, in caſe he fail, ſhall be put down from keeping any Ordinary, and fined Five thouſand pounds of Tobacco, to the uſe of the Publick: Provided alwayes, that it ſhall be lawful for them, to ſell Engliſh Strong-Waters coming over in caſes, by the Bottle, in the ſame Bottles they bought them.

And for preventing many Diſorders and Riots in Ordinaries, and other places, where Drink is retailed; Be it enacted, That no Perſon or Perſons whatſoever, ſhall in their Houſes retail any Drink, but ſuch, as ſhall obtain a Licence from the Commiſſioners of the County, where he lives, ſigned by the firſt in Commiſſion of that *Court*, by giving Bond, according to the Laws of *England*; and further obliging himſelf to ſell at the Rates, ſet by the Commiſſioners; and to pay annually, to the Governour, Three hundred and fifty pounds of Tobacco and Caſk, for his Licence.

XCVIII.

Servants, how long to ſerve.

WHereas the Thirteenth Act, 1659. doth enact That all Perſons, brought as Servants into this Country, of what Chriſtian Nation ſoever they be, ſhould ſerve no longer than our own Nation, which is five years, if above ſixteen years of Age; if under, until One and Twenty, as by the Thirtieth Act of the ſaid Aſſembly, appears: and, in regard, the ſaid Thirteenth Act doth, contrary to Law, look backward, and ſet free ſeveral Servants, Aliens purchaſed, upon a former Act of Aſſembly, made the Fourth of 1654. Be it therefore enacted, That all Aliens, and Others coming in, while that Act, and the others are in force, ſhall ſerve according to thoſe Acts; and that for the future, all the aforeſaid Acts ſhall be repealed: and all Servants hereafter coming in without Indenture, ſhall ſerve Five Years, if above Sixteen Years of Age; and all under that Age, ſhall ſerve until they be Four and Twenty Years old, that being the time limited by the Laws of *England*; and that the ſeveral *Courts*, at the requeſt of the Maſter, make inſpection, and judge of their Age.

XCIX.

XCIX.

Againſt Secret Marriage.

WHereas much loſs and detriment doth ariſe to divers Maſters of Families, by the ſecret Marriage of Servants, the ſaid Servants through that occaſion neglecting their works, and often purloining their Maſter's Goods and Proviſions. Be it therefore Enacted, That no Miniſter either publiſh the Banes, or Celebrate the Contract of Marriage between any Servants, unleſs he have from both their Maſters a Certificate, that it is done with their conſent; and the Miniſter doing otherwiſe, ſhall be fined ten thouſand Pounds of Tobacco, and the ſaid Servants both Man and Woman, that ſhall by any indirect means procure themſelves to be marryed without conſent of his and her Maſter, ſhall for ſuch their offence, each of them ſerve their reſpective Maſters one whole year after the time of ſervice by Indenture is expired. And, if any perſon being free ſhall clandeſtinely marry with a Servant, as aforeſaid, he or ſhe ſo marrying, ſhall pay to the Maſter of the Servant, Fifteen hundred pounds of Tobacco, or a years Service; and the Servant ſo being marryed, ſhall abide with his or her Maſter, the time by Indenture, or Cuſtom, and a year after as aforeſaid.

C.

Againſt Fornication.

FOr reſtraint of the filthy ſin of Fornication; Be it Enacted, That what Man or Woman ſoever ſhall commit Fornication, he and ſhe ſo offending upon proof thereof by Confeſſion or Evidence, ſhall pay each of them five hundred Pounds of Tobacco, five to the uſe of the Pariſh or Pariſhes they dwell in, and be bound to their good behaviour, and be impriſoned till they find ſecurity to be bound with them; and if they, or either of them, committing Fornication, as aforeſaid, be Servants, then the Maſter of ſuch Servant ſo offending, ſhall pay the ſaid Five hundred pounds of Tobacco, as aforeſaid, for which the ſaid Servant ſhall ſerve half a year, after the time by Indenture, or Cuſtom, is expired; and if the Maſter ſhall refuſe to pay the Fine, then the Servant to be whipped: And if it happen a Baſtard Child to be gotten in ſuch Fornication; then the Woman, if a Servant, in regard of the loſs and trouble her Maſter ſuſtains by her having a Baſtard, ſhall ſerve two years, after her time by Indenture is expired, or pay two Thouſand pounds of Tobacco to her Maſter; beſides

ſides the fine or puniſhment for committing the offence, and the reputed Father to put in ſecurity to keep the Child, and ſave the Pariſh harmleſs.

CI.

Hired Servants.

WHereas divers perſons, that by Indenture, Cuſtom, or After-Contracts for Wages, being Servants to ſeveral men, do many times run away to Plantations farr Remote, and there being unknown, procure Entertainment with others for wages or ſhares, to the great damage, and ſometimes utter undoing of their true Maſters, and alſo of thoſe that ignorantly entertain them by paying the fine: For prevention whereof, for the future, and for the better diſcovery of ſuch Runawayes; Be it Enacted, That all Servants at the Expiration of their time, ſhall with their Maſter, or a ſufficient Teſtimonial from him, go to the Court in that County where he ſerved, and there enter his Freedom, and take Certificate thereof from the Clerk of the ſaid Court, which Certificate ſhall be ſufficient Warrant for any perſon to entertain him into his Service. And whoever, after his firſt time by Indenture is expired and Certificate thereof taken out as aforeſaid, ſhall again upon any tearms become Servant to another; the Maſter then hiring the ſaid Servant, ſhall take his Certificate of Freedom, and keep it until the time contracted for, be expired; and whoever ſhall entertain, or harbour any Servant, or hired Free-man running away from his Maſters ſervice, and not having a Certificate, as aforeſaid, ſhall pay to the Maſter of the ſaid Servant Thirty pounds of Tobacco *per* day and night, for all the time they ſhall harbour, or entertain them. Provided, That if ſuch Run-away Servant ſhall forge a Certificate, or ſteal the true one from the Maſter he is hired to, and by that means procure himſelf Entertainment; the perſon entertaining him ſhall be free from the Fine, but the Servant ſtealing or forging the Certificate, ſhall be puniſhed for his forgery, by ſtanding in the Pillory two hours upon a Court-day, and if any perſon coming free into the Countrey, ſhall by any Contract agree with one perſon, and, before the time agreed for be accompliſhed, ſhall depart to another, he ſhall firſt perform the Tenor of his Contract firſt made, and pay the apparent damages, that ſhall ariſe by his breach of Covenant, and ſhall, after that ſatisfied, be lyable to the payment of what damages any other Contractor with him ſhall recover of him by Law. And in regard the Certificates of Freedoms may be worn out, and loſt, and by thoſe means new ones be required: It is further Enacted, That every Clerk upon ſuch pretence, granting a new certificate ſhall

men-

mention in that the loſs of the firſt, and that for that cauſe this ſecond was iſſued.

CII.

Run-awayes.

WHereas there are divers loitering Run-aways in this Country, who very often abſent themſelves from their Maſters-Service, and ſometimes in a long time cannot be found; the loſs of their time, and the charge of the ſeeking them, often exceeding the value of their labour: Be it therefore Enacted, That all Run-awayes, that ſhall abſent themſelves from their ſaid Maſters Service, ſhall be lyable to make ſatisfaction by ſervice, after the times by Cuſtom or Indenture are expired, (*viz.*) double their time of Service ſo neglected: and if the time of their Running away was in the Cropp, and the charge of recovering them extraordinary, the Court ſhall adjudge a longer time of ſervice, proportionable to the damage the Maſter ſhall make appear he hath ſuſtained. And, becauſe the adjudging the time they ſhould ſerve, is often referred until the time by Indenture is expired, when the proof of what is due is very uncertain: Be it Enacted, That the Maſter of any Run-away that intends to take the benefit of this Act, ſhall aſſoon as he hath recovered him, carry him to the next Commiſſioner, and there declare and prove the time of his abſence, and the charge he hath been at in his Recovery, which Commiſſioner thereupon ſhall grant his Certificate, and the Court on that Certificate paſs Judgment, for the time he ſhall ſerve for his abſence.

And in caſe any *Engliſh* Servant ſhall run away in company of any *Negro*'s, who are incapable of making ſatisfaction by addition of time: It is Enacted, That the *Engliſh*, ſo running away in the company with them, ſhall at any time of ſervice to their own Maſters expired ſerve the Maſters of the ſaid *Negro*'s for their abſence ſo long as they ſhould have done by this Act, if they had not been ſlaves, every Chriſtian in company ſerving his proportion; and if the *Negro's* be loſt or dye in ſuch time of their being run away, the Chriſtian Servants in Company with them ſhall by proportion among them either pay Four Thouſand five hundred pounds of Tobacco, and Cask, or four years ſervice for every *Negro* ſo loſt or dead.

CIII.

Cruelty of Maſters prohibited.

WHereas the Barbarous uſage of ſome Servants by cruel Maſters brings ſo much ſcandal and Infamy to the Country in general, that people who would willingly adventure themſelves hither, are, through fear thereof, diverted; and by that means, the ſupplyes of particular men, and the well ſeating of his Majeſty's Countrey very much obſtructed: Be it therefore Enacted, that every Maſter ſhall provide for his Servants competent diet, clothing, and lodging, and that he ſhall not exceed the bounds of moderation, in correcting them beyond the merit of their offences; and that it ſhall be lawful for any Servant, giving notice to their Maſters (having juſt cauſe of complaint againſt them, for harſh and bad uſage, or elſe for want of Diet or convenient Neceſſaries) to repair to the next Commiſſioner, to make his or their complaint; and if the ſaid Commiſſioner ſhall find by juſt proof, that the ſaid Servant's cauſe of complaint is juſt, the ſaid Commiſſioner is hereby required to give Order for the warning of ſuch Maſter to the next *County-Court*, where the matter in difference ſhall be determined, and the Servant have remedy for his grievance.

CIV.

Againſt unruly Servants.

WHereas the audacious unrulineſs of many ſtubborn and incorrigible Servants, reſiſting their Maſters and Over-ſeers, hath brought many miſchiefs and loſſes to divers Inhabitants of this Countrey: Be it Enacted and Ordained, That the Servant that ſhall lay violent hands on his or her Maſter, Miſtriſs, or Over-ſeer, and be convicted thereof by Confeſſion or Evidence of his Fellow-ſervant, or otherwiſe, before any Court in this Countrey; the ſame Court is hereby required and authorized, to Order ſuch Servant to ſerve his or her Maſter, or Miſtris, or their Aſſignes, one year after his or her time by Indenture or cuſtom, is expired. Be it Enacted, That no perſon or perſons whatſoever, for any offence committed, ſhall be adjudged to ſerve the Countrey as Colony-Servants.

CV. *Againſt*

CV.

Againſt Trading with Servants.

WHereas divers ill-diſpoſed perſons do ſecretly and covertly Truck and Trade with other mens Servants and Apprentices, who (to the great injury of their Maſters) are thereby induced and encouraged to ſteal, purloin, and imbezel their Maſter's goods: Be it therefore Enacted, That what perſon or perſons ſoever ſhall buy, ſell, trade, or truck, with any Servant for any Commodity whatſoever, without licence or conſent of the ſaid Servant's Maſter; he or they ſo offending againſt the premiſes, ſhall ſuffer one Moneths Impriſonment, without bail or main-prize; give Bond, with Security, for his good Behaviour; and alſo ſhall forfeit to the Maſter of the ſaid Servant, four times the value of the things ſo bought, ſold, trucked, or traded for.

CVI.

No Tobacco to be planted after the tenth of July.

WHereas it hath been taken into ſerious Conſideration, that the improvement of our only Commodity, Tobacco, can no wayes be effected, but by leſſening the quantity, and amending the quality; and further, that all ſtints will prove clearly inconſiſtent with the Peeing of the Countrey, while *Mary-land* remains a diſtinct Government; unleſs of ſuch a nature as may produce both the aforeſaid effects, without abridgment of any mans endeavours, or confining him to any ſet number of Plants: For which cauſe, the Aſſembly hath Enacted, That no Tobacco be planted after the Tenth of *July*; and that whoſoever ſhall directly, or indirectly plant or replant, or cauſe to be planted or replanted, any Tobacco after the ſaid Tenth of *July*, ſhall forfeit Ten thouſand pounds of Tobacco, to the uſe of the Publique.

CVII.

No Seconds or Slips.

AND be it further Enacted, That what perſon or perſons ſoever ſhall tend, or ſuffer, or cauſe to be tended, any ſecond Tops or Slips, ſhall forfeit Ten thouſand pounds of Tobacco to the Publique.

Be it further Enacted, That what perſon or perſons ſoever, ſhall ſave, pack, or ſell, or ſend away, any ground-leaves, which are hereby required to be totally ſuppreſt, ſhall forfeit for every Hogſhead, proved to have the quantity of Five pounds of ground-leaf Tobacco in it, Five thouſand pounds of Tobacco, to the uſe of the Publique. And it is further Enacted, That the Grand Jury ſhall take particular care of the Obſervation of this Act, and ſhall make due preſentment to the *County-Courts*, of any ſuch as ſhall Plant or Tend any Tobacco contrary to the tenor hereof.

CVIII.

Improvement of Staple-Commodities.

WHereas the uncertain value of Tobacco, the Unſtapleneſs of the Commodity, and the probability of its Planting in other places, threaten this Countrey with the danger of an unavoydable Ruine, which muſt in time fall upon it, by the increaſe of the makers of it among our ſelves (who have already ſo glutted all Markets, that great quantities are yearly left in the Countrey, and that which is ſent out ſold at ſo mean and inconſiderable a Rate, as neither Merchant nor Planter can well ſubſiſt by) unleſs ſome other courſe be ſpeedily taken, for improvement of ſuch other Commodities as the Countrey will produce, and making as many of them, as we can, into Manufactures, and giving encouragement to all perſons of what ability ſoever to attempt it; which the former Acts for encouragement to make Staple-Commodities, have been defective in, by only propoſing Rewards to great quantities of every Commodity made, which, who ever goes about, muſt, if he fail, be Ruined; or, if he make the quantity propoſed, will have no need of the Gratuity, which is better to be ſuited proportionably to the meaneſt quantity: Be it therefore Enacted, That the Aſſembly, this preſent year, ſend into *England* for a conſiderable quantity of Flax-ſeed, to be diſtributed into the ſeveral Counties, and delivered to certain perſons, who may ſell it out to ſeveral Inhabitants, and the produce thereof be paid the year following, with the Levy; and the Countrey ſtock, by that means made good according to the Fifth Act of the Aſſembly, 1661. to make their proportions of Flax; and who ever will Spin the Flax, and cauſe the Yarn to be Weaved into Cloth of a yard wide, ſhall for every Yard of Cloth ſo Woven of Yarn made of Flax grown in the Countrey, have Three pounds of Tobacco: And for every yard of Woollen Cloth made of yarn here ſpun in the Country, Five pounds of Tobacco; which upon produce of a Certificate from ſome Juſtice of Peace in the County, that he hath ſeen the ſame in the Loam, and that to his knowledg it was really made in the Countrey, as aforeſaid,

ſhall

ſhall upon producing the ſame to the Governour and Council, be paid ſo much in the Publique Levy in the ſame County where they dwell.

CIX.

Act for Mulbery-trees.

WHereas by experience, Silk will be the moſt profitable Commodity for the Countrey, if well managed; and whereas the greateſt conducement thereunto required, is proviſion of Mulbery-trees: Be it Enacted and Confirmed, by this preſent Grand Aſſembly. That every Proprietor of Land, within the Colony of *Virginia*, ſhall for every Hundred Acres of Land, holden in Fee, plant upon the ſaid Land Ten Mulbery-trees at twelve foot diſtance each from other, and ſecure them by weeding, and a ſufficient Fence from Cattel and Horſes, *&c.* between this and the laſt of *December* 1663. And for every Tree that ſhall be wanting, and untended, in manner aforeſaid, of the ſaid proportion at the ſaid laſt of *December*, 1663. he the ſaid Proprietour that ſhall be ſo Delinquent, ſhall pay Twenty pound of Tobacco to the Publique. Provided, that this Act do not extend to Orphans, until the expiration of Five years after their full age; and then, if Delinquent, to be liable, as aforeſaid. And no man planting more then his number, ſhall excuſe any that hath planted leſſe. Provided alſo, that this Act extend not to ſuch Proprietours as are not in Actual poſſeſſion. And becauſe his Majeſty hath taken particular notice of the great folly and negligence of the Countrey in omitting the Propagation of ſo Noble and Staple a Commodity, It is Enacted, That the Grand Jury do ſtrictly enquire into the breach of this Act, and make Preſentment thereof, that the Offenders may accordingly be puniſhed. And be it further Enacted, That for the encouragement of all perſons that ſhall endeavour to make Silk, there ſhall be allowed, in the Publique Levy, to any one, for every pound of wound Silk he ſhall make, Fifty pounds of Tobacco to be raiſed in the Publique Levy, and paid in the County or Counties where they dwell that make it.

CX.

Encouragement to build Veſſels.

FOR encouragement of building Veſſels in this Countrey, and the promoting of Trade; Be it Enacted, That whoever ſhall build a Veſſel of any Burthen, decked and fitted to go to Sea, ſhall

for every Tun-burthen the ſaid Veſſel ſhall contain, receive, upon proof of her being ſo built, Fifty pounds of Tobacco, out of the Publique Levy.

Whereas Colonel *Edmund Scarbrough* hath, to his particular great Charge, but to the infinite good of the Countrey, erected a Salt-work, for which he hath received deſerved thanks, the laſt Aſſembly; this Aſſembly, for his greater encouragement, hath thought fit to grant him the uſe of the Money raiſed this year out of the two ſhillings *per* hundred (in *Northampton*-County) with condition that he make re-payment of the ſame, to thoſe the Aſſembly ſhall allot it, the next year, in Salt at two ſhillings ſix pence *per* Buſhel, and Soap at

And be it further Enacted, That after the firſt of *September* 1663. no Maſter of Ship, Barque or Veſſel; or any other perſon, Merchant or Trader; ſhall bring in any Salt into the County of *Northampton*, under the penalty of Confiſcating his Ship, Barque or Veſſel, and Goods, to the end that he and others may be encouraged in their induſtrious endeavours, to promote the good of the Countrey.

CXI.

Tan-houſes to be erected.

BE it alſo Enacted, That according to the firſt Act of Aſſembly 1660. there be erected in each County, at the charge of the County, one or more Tan-houſes, and that they provide Tanners, Curriers, and Shoomakers, to Tan, Curry, and make the Hides of the Country into Leather and Shooes, and that the perſons intruſted with the overſight of the Workmen, and the managing the Trade, do allow to the Inhabitants of the County, for every dry hide they bring, at the rate of Two pounds of Tobacco *per* pound, and ſell their Shoos for Thirty pounds of Tobacco for plain ſhoos; and Thirty five pounds of Tobacco for Wodden-heels, and French-fals of the ſix largeſt ſizes; and Twenty pounds of Tobacco a pair for the ſmalleſt ſhooes.

CXII.

Two Acres of Corn for each Tithable.

BE it hereby Enacted, That all perſons within this Colony, ſhall plant or tend, for every Tithable perſon tending a Crop in their Family, two Acres of Corn or Pulſe, under the penalty of Five hundred pounds of Tobacco, for every Acre neglected, as aforeſaid;

to

to be paid by the Delinquent, and to be levied by the Sheriff for the Counties uſe; and the Grand Jury, in their ſeveral limits, to look ſtrictly after the breach of this Act. And, for encouragement for men to ſow *Engliſh* Wheat, which may be a Staple-Commodity to vent out of the Countrey, It is further Enacted, That the ſowing of one Acre of Wheat, ſhall excuſe the planting of the two Acres of *Indian* Corn, or other Corn or Pulſe, as this Act enjoyns.

CXIII.

Stray Horſes, &c.

FOR remedy of the great abuſe, and wrong done, in taking up of ſtray Horſes, Cattel, and Boats loſt, not only in concealing them, but in uſing and imploying them to the hurt and dammage of the Owners: Be it Enacted, by this preſent Grand Aſſembly, that every perſon or perſons that ſhall take up and keep any ſtray Horſes, Cattel, or Boats, ſhall cauſe the ſaid Horſes and Cattel with the mark, ſtature, and colour, and the ſaid Boat with her proportion, and what was found in her, to be cryed publickly in all the Churches and Chappels in the County, within one moneth after the taking them up; and in the mean time, ſecurely to lay up the ſaid Boat; and if no owner appear, upon this publique notice given, then to publiſh the ſame, and ſet it up in Writing, at the next *County-Court*, where if no owner appear, then it ſhall be lawful for him to make uſe of the ſaid Boat, untill the owner do appear, who ſhall allow him, for his pains, One hundred pounds of Tobacco.

CXIV.

Free Trade.

BE it Enacted, That Free Trade be allowed to all the Inhabitants of this Countrey, to buy and ſell at their beſt advantage; and that all Acts concerning Ingroſſing, be, from henceforth, repealed and made void. Provided alwayes, That no perſon or perſons, ſhall have any Commerce or Trade with any *Indians*, for Beaver, Otter, or any other Furs, except thoſe Commiſſionated by the Governour.

CXV.

Exportation of Hides.

WHereas the Exportation of Hides, Wooll, and Iron, is generally conceived to be much prejudicial to the Commonwealth, and good of this Colony: Be it therefore Enacted, by the authority of this preſent Grand Aſſembly, that what perſon or perſons ſoever, ſhall Export out of this Countrey, either Wooll, Hides, or Iron, ſhall, for every of their offences in ſo doing, pay as followeth (*viz.*) for every Hide, ſo Exported, the ſum of One thouſand pounds of Tobacco; and for every pound of Iron, ten pounds of Tobacco; and for every pound of Wooll, fifty pounds of Tobacco; the one half of which ſaid payments and forfeitures ſhall be paid to the Informer, and the other half to the Publique.

CXVI.

Exportation of Money.

BE it hereby Enacted, by this Grand Aſſembly, that no falſe Mony ſhall paſs for currant in this Countrey; but pieces of Eight, that are good and of ſilver, ſhall paſs for Five ſhillings currant Mony, upon penalty of twenty ſhillings to be paid by the refuſers of them. And that none ſhall Export Mony out of this Country, above the ſum of Forty ſhillings; if any ſhall exceed the ſame ſum, to forfeit double thereof.

CXVII.

Size of Virginia *Hogſheads.*

IT is Enacted, upon the complaint of divers Maſters and Merchants of Ships, againſt the incertainty and extraordinary ſize of Cask, which hath been very much prejudicial to them, that a certain ſize of all Tobacco-Cask of *Virginia* Hogſheads ſhall be as followeth (*viz.*) Forty three inches in length, and the head twenty ſix inches wide, with the bouge proportionable; and whoever ſhall make Cask of a greater ſize, ſhall pay, upon proof made to any Court (if he be a Freeman, otherwiſe his Maſter or Miſtris that imployes him) Three thouſand pounds of Tobacco, the one half to the Informer, the other half to the County where the Cask is made; and if any Cask ſhall be made of Timber not ſeaſoned, then ſuch Cask to be burnt.

CXVIII.

Againſt private taking away Boats.

FOraſmuch as divers perſons ſuffer great damage by private and concealed taking away of Boats and *Canoos*, without licence from the owners thereof: It is enacted and confirmed, by the Authority aforeſaid, That the Commiſſioners of each *County-Court*, ſhall be hereby impowred (if required) to order and give ſatisfaction from the party ſo treſpaſſing, to thoſe injured by want of his or their Boat, Boats, or *Canoos*, Five hundred pounds of Tobacco penalty to the owner, and what damage the Boat ſuſteins.

CXIX.

Againſt Shooting.

WHereas it is much to be doubted, the Common-Enemy, the *Indians*, if opportunity ſerve, will ſuddenly Invade this Countrey, and bring it to a total Subjection of the ſame: And whereas the only means for the diſcovery of their Plots is by Alarums, of which no certainty can be had, in reſpect of the frequent ſhooting of Guns in Drinkings, whereby they proclaim and juſtifie that beaſtly Vice: Be it therefore Enacted, That what perſon or perſons ſoever, ſhall, after publication hereof, ſhoot any Guns at Drinkings or Marriages, (Burials excepted) ſuch perſon or perſons ſo offending ſhall forfeit Two hundred pounds of Tobacco, to the Publique, to be levied by diſtreſs in caſe of refuſal.

CXX.

Supply of Ammunition.

BE it Enacted, That a Provident ſupply be made of Guns, Powder, and Shot, to our own people; and this ſtrictly to be looked to by the Officers of the Militia, (*viz.*) that every man able to bear Arms, have in his houſe a fixed Gun, two pounds of Powder, and eight pounds of Shot, at leaſt; which are to be provided by every man for his Family, before the laſt of *March* next; and whoſoever ſhall fail in making ſuch proviſion, to be fined Fifty pounds of Tobacco, to be laid out by the *County-Courts* for a Common-ſtock of Ammunition for the County; the inquiry referred to the Grand Jury.

CXXI.

Againſt Exacting Millers.

WHereas by a ſecond Act of a Grand Aſſembly, *Anno* 1645. it was Ordered and Eſtabliſhed, for the reforming the great abuſe of Millers, in exacting exceſſive and illegal Toll, That no perſon or perſons uſing or occupying any Mill, ſhould take or receive for the grinding of any Grain, or exchanging it for Meal, above the ſixt part thereof for Toll: which Act hath not taken ſuch effect as was intended thereby; in reſpect, as is conceived, neither penalty was impoſed thereon upon the Offender, nor the execution thereof was given in direction to any particular Officer. It is therefore thought fit to enlarge the ſaid Act, and by vertue thereof to require all Millers, or owners of Mils, to provide by the five and twentieth day of *June* next come twelve Moneth, Stilliards, or ſtatute-weights and ſcales, by which they are to receive in, and deliver out all Grain: and that they do ſufficiently grinde & exchange the ſaid Grain, ſo brought, upon the penalty (in caſe they do exact, beyond the ſaid proportion, for grinding or exchanging, or in caſe of default of ſuch Weights or Scales, or for not ſufficiently grinding (of the ſum of One thouſand pounds of Tobacco; and that the Grand Jury enquire thereof.

CXXII.

Againſt Exportation of Engliſh Goods.

WHereas the neceſſities of this Countrey are relieved, chiefly by the Importation of Engliſh Goods, and that relief much obſtructed by many that bring in unneceſſary Commodities, and make ſale thereof for Tobacco, which they again truck for ſubſtantial Commodities, as Clothing, and the like; and by that means leave the Countrey deſtitute of its own ſupplies: It is hereby Enacted, That what perſon or perſons ſoever, ſhall, after the firſt of *June* next, export out of the Colony, any Engliſh Goods (not by him formerly exported) ſhall, upon diſcovery, forfeit ſuch Goods, and be fined the value; the one half to the Informer, and the other to the Publique.

CXXIII.

No Mares or Sheep to be tranſported.

IT is alſo Enacted, That no Mares or Sheep be tranſported out of the Countrey, upon treble the value, to be forfeited by the Offender, and by him paid; one half to the Informer, and the other to half the Publique.

CXXIV.

Againſt ſelling of Rum, but in places appointed.

WHereas the exceſſive abuſe of Rum, hath by experience been found to bring Diſeaſes, and Death to divers people, and the purchaſing thereof made by the exporting and unfurniſhing the Countrey of its own ſupplies and Staple-Commodities: It is Enacted, That what Veſſel ſoever ſhall after the firſt of *March*, 1663. (except ſuch as belong wholly to Inhabitants of this Countrey) bring in them any *Rum*, or *Pavele*-Sugar, the ſaid Veſſels, ſo bringing it in, ſhall not unload or ſell the ſame, at any place or places, but ſuch as are by Act of Aſſembly appointed Ports for the vent of the ſaid Commodities, and ſhall bring the ſame on ſhore, and enter the quantity, and pay for every Gallon of *Rum*, ſix pence Cuſtom; and for every pound of *Pavele*-Sugar, one peny; before they ſhall be permitted to ſell or diſpoſe of any part thereof.

CXXV.

Againſt ſtealing of Hogs.

WHereas the ſtealing and killing of Hogs, is a crime uſually Committed, and ſeldom or never Detected or Proſecuted, in this Colony: Be it therefore Enacted, for the better prevention thereof, That whoſoever ſhall ſteal, or unlawfully kill, any Hog which is not his own; and the ſaid fact being proved, by ſufficient Evidence; he or they ſo offending, ſhall pay to the owner of the ſaid Hog, One thouſand pounds of Tobacco, and One thouſand pounds of Tobacco to the Informer; and in caſe of Inability to pay and ſatisfie the ſaid ſums, the perſon ſo offending ſhall ſerve two years (*viz.*) one year to the right owner of the ſaid Hog, and the other to the Informer. And if any perſon be found to bring home

any Hog or Hogs ſo killed without their Ears, ſhall be adjudged a Hog-ſtealer, and to be proceeded againſt accordingly. And that ſuch perſons as ſhall receive ſuch Hogs into their Houſes, and not immediately diſcover the ſame to the next Commiſſioner, then ſuch Receiver ſhall be proceeded againſt, as if he had been an Actor in the Treſpaſs; and in caſe the owner of the Hog inform, he to have both the Fines.

CXXVI.

Maſters of Ships to provide four Moneths Proviſion.

BE it Enacted, That all Maſters of Ships ſhall be obliged hereby to provide four Months allowance of Victuals for Paſſengers at their ſetting forth from the *Downs*, or other Ports of *England*, and to give the Paſſengers ſufficient allowance of Dyet all the Voyage; and Commanders of Ships reſpectively to take care, that poor Servants do not want bedding in the Voyage: in which particulars aforeſaid, if any ſhall offend; they ſhall be lyable to grievous cenſure here, according to the merit of the offence.

CXXVII.

Concerning Paſſes.

BE it alſo Enacted & Confirmed, That no Maſter of any Ship, Veſſel, Boat, or Barque, ſhall Tranſport any perſon or perſons out of this Colony, except the ſaid perſon or perſons produce a Paſs under the hand of the Secretary or ſuch whom he ſhall depute or appoint, upon the penalty to pay all ſuch debts as any ſuch perſon ſhall ſtand indebted to any perſon within this Colony at his or their departure, and pay a Thouſand Pounds of Tobacco to the Secretary, for his contempt. And it is further Enacted, That before any ſuch Paſs ſhall be ſigned, to any perſon, he or they ſhall bring a Certificate from the Monethly Court, where he or they reſide, that he hath ſet up his Name upon a Court-day, ten days at leaſt before his departure at the *County-Court* where he reſides; or otherwiſe, ſhall put in ſufficient ſecurity for the payment of all Debts that are due or owing from them to any perſon, within the Countrey, or his Name to be publiſhed, and ſet up at the Church-dore two Sundayes in each Pariſh in the County where it is preſumed, all perſons will be; and the Readers Teſtimonial to the Clerk, ſhall be ſufficient Warrant for him to grant a Certificate. And the Secretary and ſecurity after a year and a day to be diſcharged.

CXXVIII.

Impoſition of two Shillings per *Hogs-head.*

THis preſent Grand Aſſembly of *Virginia*, taking into ſerious Conſideration, the burthenſom and unequal way of laying Taxes by the Pole, and how they may with moſt honor, and eaſe, ſupport the Government in well paying his Majeſties Officers; and as means perhaps of introducing money, and an Encouragement to men to to produce other uſeful and beneficial commodities; have thought fit to impoſe two ſhillings *per* Hogſhead, upon every Hogſhead of Tobacco, that ſhall be ſhipped on board of any Ship or other Veſſel within *Virginia* to be exported; and the Collectors of the ſaid Impoſition to diſpoſe of no part thereof, but by Order of the Grand Aſſembly only. Be it therefore Ordained and Enacted by this preſent Grand Aſſembly, and by the Authority thereof, And it is hereby Enacted, That the Maſter and Maſters of all and every Ship and Veſſel coming to Trade in *Virginia*, ſhall upon Demand made by the Collector or Collectors, who ſhall by Order of Aſſembly, be impowred to receive the ſaid Impoſition from every Ship or Veſſel, enter into ſecurity to pay ſuch Collector or Collectors two ſhillings for every Hogſhead of Tobacco, that ſhall upon any Accompt whatſoever be ſhipped on board his Ship, or Veſſel, to be exported; the ſaid payment either to be made in Money, Bills of Exchange, or Goods at thirty *per cent.* advance, upon the price of ſuch Goods at the firſt penny; and all fraughters to be accomptable to the ſaid Maſters for the Tobacco by them ſhipped.

Be it alſo Ordained and Enacted by the Authority aforeſaid, for the Diſcovery of the Number of Hogſheads each Ship, or Veſſel contains, that the Maſter of ſuch Ship or Veſſel ſhall deliver his Boat-Swains Book to the peruſal of the Collector; And make Oath of the truth of the ſame ſo farr as he knoweth. And, that the Mate's Boat-Swain or any other Sea-man be ſworn, if the Collectors ſee cauſe, to diſcover the truth of the ſaid fraught.

And if any Maſter of Ship, or Veſſel, ſhall wittingly, or willingly conceal, any part of his fraught from the Collector, and ſhall thereof be lawfully convicted, then the ſaid Maſter ſhall forfeit for every ſuch offence the ſum of One hundred pounds ſterling, one Moiety thereof to go to the Informer, (and the other to the Publique) and be recovered by Action of Debt, Bill, or Plaint, in *General-Court*, or *County-Court*, by vertue of this Act, againſt which no Eſſoyn, Wager of Law, or Protection, to be allowed to any perſon ſo offending. Be it further Enacted, and Ordained, That if any Maſters ſhall paſs Bills of Exchange, for the ſaid Impoſition, that then the Collectors

are hereby required to take ſufficient caution of the ſaid Maſter for the true and good payment of the ſame. It is hereby alſo Ordained, and Enacted, That the Collectors of the ſeveral Rivers and Places in *Virginia*, for the receiving of the ſaid two ſhillings *per* Hogſhead, be appointed and confirmed by this preſent Grand Aſſembly, and give ſufficient ſecurity and caution for the due execution of the truſt hereby repoſed in them, and to be accomptable to the next Aſſembly, according to the tenor of this Act. And the ſaid Collectors to be allowed ten *per cent.* Salary, for collecting the ſaid Impoſition. Provided alwayes, and it is hereby Ordained and Enacted, by the Authority aforeſaid, That this preſent Act of Aſſembly be, and remain in force.

CXXIX.

Every Inhabitant in Northumberland, *and* Weſtmerland-*Counties, to give an Accompt how many Hogſheads of Tobacco they made, and to whom ſold.*

WHereas the Impoſition of Two ſhillings *per* Hogſhead cannot conveniently be levyed upon Maſters of Ships, that come into *Potomake* River, by reaſon of their Anchoring in the Dominions of the Lord *Baltemore*, whence they ſend their Sloopes and Boats to fetch the Tobacco made in this Countrey, without paying the ſaid Impoſition: Be it therefore Enacted, That every Planter inhabiting in the Counties of *Northumberland*, and *Weſtmerland*, ſhall certifie into the Collector's Office, or unto his Deputies, the Number of Hogſheads of Tobacco made by him and his Family, and to whom they are ſold, and ſhall not ſuffer any of the ſaid Hogsheads of Tobacco, to be carryed out of his Houſe until he receive Certificate from the ſaid Collector, that the Impoſition of the ſaid Tobacco is paid. And if any Planter ſhall contrary to this Act ſuffer any of his Tobacco to be carryed aboard any Ship, Boat or Sloop, without ſuch Certificate, then the ſaid Planter to be fined Twenty ſhillings for every Hogſhead ſo carryed away without Certificate as aforeſaid.

Whereas the like inconveniencies are incident to *Northampton*-County, and lower *Norfolk*, in recovering the Impoſitions of Two and Ten ſhillings *per* Hogſhead, as to the River of *Potomake*, by reaſon of the Tranſportation of much of the Tobacco made in thoſe places in Sloops to *Mary-land*. Be it Enacted, That the Provinſional Act made the laſt Aſſembly, for payment of thoſe duties in *Potomake*-River extend and be in force in the ſaid Counties of *Lower-Norfolk*, and *Northampton*, and that the Collectors appoint certain perſons to take Accompt of the Planters, according to the Tenor of this Act.

CXXX. *Pay-*

CXXX.

Payment of Fort-Duties in Accomake, &c.

WHereas there is an Act of the laſt Aſſembly providing for the ſecuring of the payment of the Two ſhillings *per* Hogſhead due to the Countrey, but no Proviſion made therein for the ſecuring the payment of Fort-Duties of *Potomake*, *Accomake*, and *Lyn-haven*, from whence they fetch their Tobacco in Sloopes: Be it Enacted, That the ſaid Act ſhall extend, as well to cauſe the Planters loading it to reſerve and make payment of three pence *per* Hogſhead for Fort-Duties of the ſaid Tobacco, as for the payment of the Two ſhillings *per* Hogſhead.

CXXXI.

Ten Shillings per *Hogſhead.*

WHereas the prudence of all Nations hath provided for the defraying the Publique neceſſary charges of the Countrey, rather by laying an Impoſition upon the Adventurers for the Staple-Commodities of the Country, by the Exportation of which the great advantage accrews, than by Taxing the perſons of the Inhabitants; this preſent Grand Aſſembly endeavouring, as much as in them lies, to eaſe the burthen of the people, and taking into conſideration, the great benefit, that accrews to other Countreys by the Cuſtoms ariſing from our Commodity Tobacco; and that *Virginia*, whoſe partilar Staple it is, hath from it, nor from the Adventurers hither, no Publique Advantage: We have thought it neceſſary and convenient, and accordingly have Enacted and confirmed, that all Maſters, Marchants of Ships and Marriners trading to *Virginia*, and not bound by Charter-Party to return and diſcharge in any of the *Engliſh* Dominions in *Europe*, ſhall pay for every Hogſhead of Tobacco, they ſhall load aboard any Ship, Barque, or other Veſſel arriving here, after the firſt of *Auguſt* next, and not bound as aforeſaid, ten ſhillings ſterling, either in Money, or good Bills of Exchange, with good caution, or in good valuable Commodities at Twenty five *per cent.* advance. Provided alwayes, That all Adventurers, Inhabitants of this Countrey, trading in bottoms belonging to *Virginia* Owners; ſhall be free from the ſaid Impoſition; It tending to the Advancement of Trade here, the Encouragements of the Inhabitants to purchaſe Veſſels, and of Marriners to make this their place of Reſidence.

CXXXII.

Caſtle-Duties to be paid.

WHereas the Caſtle-Duties granted by his Majeſty to Colonel *Francis Morriſon*, Captain of the Fort at *Point-Comfort* are rendred of no value by the charge of Boat and Hands going to Collect them, and the inconſiderableneſs of the Commodities they are paid in, being commonly the reffuſe of their Cargoe; Be it therefore Enacted, That all Maſters of Ships, and other Veſſels, being thereunto required by the Officer appointed by the ſaid Colonel *Moriſon*, ſhall give in a true burthen of their Ships, or Veſſels: and the liſts of their Paſſengers; at ſuch convenient places, and to ſuch perſons as the ſaid Colonel *Morriſon*, ſhall in each River appoint, upon Oath to be Adminiſtred by his ſaid Collector or Officer, if a Commiſſioner; or elſe by any one or two Commiſſioners. And if any Maſter ſhall make falſe Entry either of his burthen or liſt of Paſſengers, then he ſhall, upon proof thereof made, pay treble duties for the number of paſſengers or quantity of Tuns concealed, the ſame to be recovered out of the Eſtate of the Maſter ſo offending. And the like penalty upon all ſuch Maſters as ſhall without coming into harbour fetch away their loading in Sloops or Boats. And what Maſter ſoever ſhall not pay his Duties in kind, being half a pound of Powder, and three pounds of leaden ſhot, *per* Tun, and ſix pence *per* Poll for every perſon imported, not being a Marriner, that then he ſhall pay in lieu thereof one ſhilling *per* Tun, and ſix pence *per* Poll either in Money or Goods, as they coſt at the firſt penny. And that the Collectors thereof tranſmit the ſaid Entries of Ships and Paſſengers under the hand of the ſaid Maſters to the ſaid Colonel *Morriſon* to be by him Recorded in his Fort-Book, as formerly hath been accuſtomed.

CXXXIII.

Ships to come up to James-*City.*

WHereas the Kings Majeſties frequent Inſtructions hath commanded that all Maſters of Ships arriving in this Countrey ſhould, before they break Bulk, bring up their Ships to *James*-City, which, by reaſon of the ſeating of the Inhabitants in divers Rivers

Rivers cannot without much prejudice to the ſaid Maſters extend to all parties of the Countrey; yet that his Majeſties commands may as much as in us lyeth be effectually obeyed; We the Governour, Councel, and Burgeſſes of this Grand Aſſembly, have thought fit to Enact, And be it Enacted by the Authority aforeſaid, That all Ships whatſoever ariving in *James-River*, do accordingly with the firſt fair wind and weather, after their arrival, bring up their Ships to *James*-City, and there make Entry of their Ships take, out Licence to Trade, and perform ſuch other things as they ſhall be there certified, the Laws of the Countrey do enjoyn them.

CXXXIV.

Priviledg of Virginia-*Owners.*

WHereas ſome doubts have ariſen about the priviledge of *Virginia*-owners, and their Exemption from the payment of the Duties of two and ten ſhillings *per* Hogſhead: Be it Enacted and Declared, That the ſaid Priviledge is granted only to the Owners and Adventurers in ſuch Veſſels as ſolely and wholly belong to the Inhabitants of this Countrey; and not to ſuch perſons as are only Partners of Veſſels whoſe othet partners dwell in other Countries, and the Governor be Judge of ſuch Proprieties, and certifie the ſame to the Collectors.

CXXXV.

A Publike Notary appointed.

WHereas for want of a Publique Notary the Certificates and other Inſtruments to be ſent out of this Countrey have not that credit given them in forreign parts as duly they ought: Be it therefore Enacted, that *Henry Randolph* Clerk of the Aſſembly, be authorized and ſworn a Publique Notary for this Countrey. To whoſe atteſtation at home and abroad, we deſire all credence may be given.

CXXXVI.

Acts concerning the Indians.

WHereas the mutual Diſcontents, Complaints, Jealouſies and Fears of Engliſh and *Indians*, proceed chiefly from the violent Intruſions of divers Engliſh made into their Lands, forcing the *Indians*, by way of Revenge, to kill the Cattel and Hogs of the Engliſh; and by that means Injuries being done on both ſides, Reports and Rumours are ſpread of the Hoſtile Intentions of each to others, tending infinitely to the diſturbance of the Peace of His Majeſtie's Country: And whereas the Laws prohibiting the Purchaſe of any *Indian*'s Lands (unleſs acknowledged at *General Courts* or Aſſemblies; by reaſon it is as eaſie to affright them to a publick, as well as a private acknowledgement) are made fruitleſs, and ineffectuall; corrupt Interpreters often adding to this miſchief, by rendring them willing to ſurrender, when indeed, they intended to have received a Confirmation of their own Rights, and a Redreſs of their wrongs; which miſchiefs had they continued, muſt needs have involved the Country into an inevitable and deſtructive Warr. For Remedy of which Inconveniences, and that, for the future, a ſure equitable peace may be eſtabliſhed, the Governour, Council, and Burgeſſes out of their tender care of Juſtice and the Peace of this His Majeſtie's Country, have enacted, ordained, and confirmed, and do by theſe Preſents, enact, ordain, and confirm, That, for the future,

No *Indian* King, or Other, ſhall upon any pretence, alien, or ſell; nor no Engliſh, for any cauſe or conſideration whatſoever, purchaſe or buy any Tract or Parcel of Land now juſtly claimed, or actually poſſeſſed, by any *Indian* or *Indians* whatſoever: All ſuch bargains and ſales hereafter made, or pretended to be made, being hereby declared to be invalid, void, and null; any Acknowledgement, Surrender, Law or Cuſtom formerly uſed to the contrary notwithſtanding. And further, That the *Indian*'s Properties in their Goods, be hereby aſſured and confirmed to them; and their Perſons ſo ſecured, that, whoever ſhall defraud, or take from them their Goods, or do hurt or injury to their Perſons, ſhall make ſuch ſatisfaction, and ſuffer ſuch Puniſhments, as the Laws of *England*, or this Country, do inflict, if the ſame had been done to an Engliſh man.

And be it further enacted, That what Engliſhman hath already contrary to the Laws formerly in force, for ſurrendring and acknowledging *Indian*'s Lands, made Incroachments, or ſeated upon them, ſhall, if they make not good proof of their Title, upon Complaint made, be, by Order directed to the Sheriff to execute, removed from

from their Seats of Land thus wrongfully incroached ; and all Houſes by them built upon the ſaid Lands, be demoliſhed and burned.

And be it further enacted, That all Engliſh Men, having by ſurrenders made at *Quarter-Courts* or Aſſemblies, procured a colourable Right to any Land by the ſaid Engliſh now ſeated within three Miles of any *Indians*, for prevention of the Injuries done to the *Indians*, by the ſaid Engliſhmens Hogs and Cattel, ſhall ſend ſuch Number of hands, as they ſhall be appointed by Commiſſioners, to be authorized by the Governour, to help the *Indians* to fence in a Corn-field, proportionable to the Number of Perſons, the ſaid *Indian* Town doth conſiſt of ; and that after ſuch fence once made ſufficiently, according to Act of the Aſſembly, if the *Indians* keep it not in repair, what damages ſoever they ſhall afterwards ſuſtain, ſhall be at the hazard, and ſole loſs, of them the ſaid *Indians*.

And be it further enacted, That for the better relief of the poor *Indians*, whom, the ſeating of the Engliſh, hath forced from their wonted Conveniencies of oyſtering, fiſhing, and gathering Tuchahoe, Cortenions, and other Wild-Fruits, by which they were wonted for a great part of the Year, to ſubſiſt: Be it therefore enacted, granted, and confirmed, That the ſaid *Indians*, upon Addreſs made to two of the Juſtices of that County, they deſiring to oyſter or gather Wild-Fruits in, as aforeſaid, they the ſaid Juſtices ſhall grant a Licence to the ſaid *Indians*, to oyſter, or gather Wild-Fruits, as aforeſaid : Provided, the ſaid Juſtices limit the time the *Indians* are to ſtay ; and the *Indians* bring not with them any Guns, or Ammunitions, or other offenſive Weapons, but only ſuch Tools or Implements, as ſerve for the end of their coming. And if any Engliſhman ſhall preſume to take from the *Indians* ſo coming in, any of their Goods, or ſhall kill, wound, or main any *Indian*, he ſhall ſuffer, as if he had done the ſame to an Engliſhman, and be fined for his Contempt.

And becauſe many under-hand and unlicenſed Traders do truck and Trade with the *Indians* (contrary to the Act of Aſſembly, and to the great prejudice of all ſuch, as legally procure Commiſſions from the Governour) under pretence, that the things trucked for, be given them by the *Indians*: Be it therefore enacted, That what Perſons ſoever, ſhall, upon any pretence whatſoever, buy, take, or receive any thing or commodity from an *Indian*, ſhall, upon proof thereof at any *Court*, be ordered to pay treble the value of the thing received, to the Perſon injured thereby.

And becauſe ſometimes Differences may ariſe between the *Indians*, and thoſe they trade with, which, if we ſhould proceed by way of Arreſt, might tend much to the Diſturbance of the peace of the Country : Be it therefore enacted, That any Commiſſionated Trader, having a difference with any *Indian* King, or Other, ſhall repair to to the Governour for him, or ſuch other as he ſhall appoint, to determine the matter in controverſie between them.

And becauſe the Impriſonment of an *Indian*, may bring a War upon the Country; and conſequently, the making of Peace and War, being wreſted out of thoſe hands, it is, by his Majeſtie's Commiſsion, intruſted into the power of every Individual in the Country: Be it therefore enacted, That no Perſon of what quality ſoever, preſume to Impriſon any *Indian* King, without a ſpecial Warant from the Governour, and two of the Council, as they will anſwer the contrary at their utmoſt peril.

And becauſe this Act cannot be put in Execution without Commiſsioners, to view the preſent Bounds of the Engliſh and *Indians*: Be it therefore enacted, That the Honourable Governour be deſired and authorized to appoint unintereſted Perſons, Commiſſioners, to go, with Parties of Horſe, to the ſeveral *Indian*-Towns; and there to proclaim theſe and the following Articles of Peace between Us and the *Indians*; to ſettle the Bounds between us; and to appoint others of the moſt integrity, to fix the time, and aſſeſs the work; to help the *Indians* Fence, and all other things by this Act enjoyned; and, for prevention of future Intrenchments beyond the bounds once fixed, Be it further enacted, That the Governour be deſired and authorized to Commiſsionate certain Perſons annually to viſit the ſame, and to take care, that no Intrenchment be henceforth made upon the *Indians*.

And becauſe an Interval between the *Indians* cannot, in the preſent nearneſs of ſeating, be ſo laid out, as may wholly ſecure the Engliſh from the *Indians* coming in, and pilfering things from them, if a free intercourſe be admttied: Be it therefore enacted, for prevention thereof, and to the end that the Nations may be diſtinguiſhed; and ſo, if they are taken in the manner of doing any Injuries, the ſufferers know to what Kings to addreſs themſelves for remedy; That Badges (*viz.* Silver-Plates, and Copper-Plates, with the name of the Town graved upon them) be given to all adjacent Kings, within our Protection. And that all the ſaid Kings give it in Charge to their people, that none of them preſume, upon what occaſion ſoever, to come within the Engliſh bounds, without thoſe Badges upon them, or one with a badge in their Company; and if any Damage or Injury be done to any Engliſhman, by them, or any of them, that then the King, or Great man of the Place, the badges denote, ſhall be anſwerable for it. And, if any ſhall, notwithſtanding this Injunction, be found in our bounds, without any ſuch badge, or not accompanied with one that ſhall have them; that then it ſhall be lawful for any Engliſhman, to carry him, or them, before any Juſtice of the Peace, who ſhall keep him, or them in ſafe Cuſtody, until their King, or Great-man, ranſome them by paying one hundred Arms length of Roranoke, for each *Indian* ſo taken, to be diſpoſed of by the Publick: Provided alwayes, That if any Engliſhman ſhall be found, or proved, to have taken away any of their Badges, thereby

thereby to make the *Indians* guilty of breaking this Law; that then the Perſon ſo offending, ſhall be ſet in the Pillory two hours on the *Court*-day, in the County where they have committed the Offence, with their Fault in Great Letters written upon them; and to be fined Five Thouſand Pounds of Tobacco, to the uſe of the Publick; and, in caſe of diſability, lye ſix Months in Priſon without Bail or Main-prize.

And be it further Enacted, That all *Indian* Kings, Tributary to the Engliſh, when they have the leaſt notice of any March by any ſtrange *Indians*, neer our Quarters, ſhall repair themſelves, or at leaſt, ſend ſome one of their Great-men to the next of the *Militia*, which ſhall be nominated and appointed by the Governour, for that purpoſe; and acquaint him, with as much as they know, concerning the Nation, the Numbers, and which way, they conceive, they will bend their Courſe. And, if they then ſhall deſire any aid from us, to ſecure them, that a Party be ſent preſently out by the Colonel of the *Militia*, to that purpoſe; which by this Our Aſſiſtance and Reciprocal care, will make them and us have an equal Intereſt in others preſervation; while on the other ſide, we being ignorant of the Marches of Forreiners, impute all Damages, we then receive, which is then commonly moſt to our Neighbours, how Innocent ſoever.

And be it further enacted, That if any *Indian* by the Inveighling of any Engliſh, or of his own will, ſhall without leave of the King, or Great man of the place, come within the Bounds limited them, and there procure harbour or entertainment, it ſhall be lawful for any Engliſhman, to take the ſaid *Indian*, and convey him to his Town to be puniſhed; and to recover of the Engliſhman, that harboured or entertained him, ſo much *per* day, as by the Law for entertaining other Run-awayes, is recoverable.

And be it further enacted, That what Engliſhman, Trader, or Other, ſhall bring in any *Indians*, as Servants, and ſhall aſſign them over to any other, ſhall not ſell them for Slaves, nor for any other time, then Engliſh of the like ages, ſhould ſerve by Act of Aſſembly.

And becauſe heretofore many entertained *Indians* by Licenſes of particular Perſons, who did much Damage to their Neighbours; Be it henceforth enacted, That no Perſon of what quality ſoever, ſhall entertain any of our Neighbouring *Indians*, as ſervants, or otherwiſe, unleſs by a Licenſe obtained from the Governour himſelf, upon their Obligation, that deſire it, to be anſwerable for all the Injuries and Damages, that the *Indians*, by them entertained, ſhall do to any Engliſh.

CXXXVII.

Clerks Fees to be paid.

WHereas by a former Act of Aſſembly, Clerks of Courts were made uncapable of recovering their Fees, after they had been two years Due: Be it enacted, That the ſaid Act be repealed; and that all their Accounts ſhall be three years pleadable. And that hereafter, all Sheriffs, or Collectors, ſhall either receive, diſtrain for, or ſecure by Bill, all Secretary, or Clerk of Courts Accounts, delivered them, and be allowed ten *per cent.* for what is received; and five *per cent.* for what Bills are taken. And the Sheriff, or other Collector, not receiving or ſecuring, as aforeſaid, to be reſponſible for the Account omitted: Provided, that they, the ſaid Sheriff, or Collectors, ſhall not be lyable for the Account of any Perſon removing out of the County, before the laying the levy, unleſs they receive the Levies, or Sheriff's Fees: And then to be accountable for the Clerk's Fees alſo: Provided alſo, That the Clerks deliver, or ſend their Accounts atteſted under their hands, to the ſaid Sheriff or Collectors, within four dayes after, laying the Levy in their ſeveral Counties.

The Secretarie's Fees.

Be it enacted and confirmed by this preſent Grand Aſſembly, That the Secretarie's Fees ſhall be as followeth (*viz.*)

	lb *Tobac.*
Inprimis For a Pattent and Recording it	0080
For a Commiſſion of Adminiſtration, and Recording it	0060
For a Probate, and Recording it	0060
For a Commiſſion to Trade	0050
For a Depoſition	0015
For a Bond, and Recording it	0040
For a Copy of a Pattent	0030
For Recording a Letter of Attorney	0030
For Recording a Will	0030
For a Common Warrant	0015
For an Order	0015
For a Copy of an Order	0015
For Recording a Bill or Receipt	0010
For an Execution	0030
For a Paſs	0030
For a Subpœna	0015
For a Petition, if writ	0015

For

For a Certificate for Land	0015
For a Copy of an Act of Aſſembly	0015
For Recording a Bill of Sale, or ſuch like	0030
For a Commiſſion for the Militia or Court	0050

County-Court Clerks-Fees.

Be it alſo further enacted, That the *County-Court* Clerk's Fees be, as followeth, (*viz.*

	lb *Tobac.*
Inprimis For an Action	0008
For Entring an Order	0008
For the Copy of an Order	0008
For an Execution	0015
For an Attachment	0015
For a Depoſition	0010
For a Copy of a Depoſition	0010
For Adminiſtrations and Probates, both at-	0060
For a Subpœna	0010
For a Petition, if they write it	0010
For Entry of a Petition	0003
For a Certificate for Land	0020
For any other Certificate	0010
For Recording of any buſineſs, Orphans excepted,	0020
For Recording Inventories and Conveyances	0030
For a *Scire facias* in any Court	0010

And if any thing elſe be done by them, than what is here expreſſed, the Commiſſioners to adjudge the Fee.

The Sheriff's Fees.

Be it alſo enacted, That the Sheriff's Fees ſhall be as followeth, *viz*

	lb *Tobac.*
Inprimis for an Arreſt	0010
For Bond	0005
For going into Priſon	0010
For whipping	0020
For Pillory	0020
For ſerving a Subpœna	0010
For ſerving an Execution, if under 100 pounds of Tobacco	0010
If above one hundred to five hundred	0020
If above five hundred to one thouſand	0040
If unto two Thouſand	0060

If above Two Thouſand, Ten Pounds *per* Thouſand.

For Summoning and Impannelling a Jury for every Cauſe, Twelve pounds of Tobacco; and for every perſon ſummoned five pounds

of Tobacco. Attachments, as for Arrests, and if further trouble to be allowed by the Court.

And whereas some of the Sheriffs Fees, upon Execution, have heretofore seemed to have been Arbitrary; this Assembly hath thought fit to ascertain them, and to Enact, that he shall have, for summoning every Apprizer, Ten pounds of Tobacco, and the Apprizer to have Thirty pound of Tobacco, *per* cause, if they finish it in one day; and 30 *per* day, if they are longer about it.

The Clerk of the Assemblies Fees.

Be it Enacted, by this present Grand Assembly, that the Clerk of the Assemblies Fees, shall be as followeth, (*viz.*)

	lb *of Tobacco.*
Imprimis for Entry of a cause by return, plea, or Petition	0020
For an Order, and Copy of an Order	0020
For Denyzation	0050
For Naturalizing	0050
For County Courts Commissions	0050
For *Militia* Commissions, if granted by Assembly	0050
For Coppying the Acts of every Assembly	0300
For the whole body of the Acts writing	0300

For attesting Act of Assembly. Coppying Answer and Replies.

CXXXVIII.

Interpreters made for the Country.

WHereas Colonel *John Flood*, hath long and faithfully served this Countrey, in the Office of an Interpreter, and being now deceased: It is Enacted, That *Thomas Flood*, Son to the said Colonel *John Flood*, shall be received in the place of his Father; and that *Henry Newcombe* be likewise made Interpreter for the *Norwood*.

This is a true Copy of the Acts of Assembly now in force, and agreeth with the Original in the Records.

Teste Henr° *Randolph, Cl*° *Assem.*

FINIS.

The Title and Number of the Acts, in order as they are PRINTED.

Act.		Page.
1.	CHurch to be built, or Chappel of Eaſe	2
2.	Veſtries appointed	3
3.	Glebes to be laid out	ibid.
4.	Miniſters to be Inducted	ibid.
5.	Miniſters to provide Readers. 31. 1661.	4
6.	Liturgy to be read	ibid.
7.	Church Catechiſm	ibid.
8.	Miniſters to Preach weekly	5
9.	Sundayes not to be prophaned	ibid.
10.	The 30th. of January to be kept a Faſt	6
11.	The 29th. of May to be kept holy	ibid.
12.	None to be Married but by Miniſters, nor by them but by Licence or Publiſhing the Banes	ibid.
13.	Church-wardens to make Preſentment	7
14	Burial of Servants, or others, privately; Prohibited	ibid.
15.	Church-wardens to keep the Church in Repair, and provide Ornaments,	8
16.	Regiſters to be kept by the Miniſters or Readers	ibid.
17.	Licences for Marriage how to iſſue	9
18.	Proviſion for a Colledge	10
	Propoſitions by the Governor, Whereas an Antient, &c.	ibid.
19.	Courts	11
20.	Actions to be Proportioned	13
21.	Courts to ſit from Eight to Eleven of the Clock in the Forenoon: from One to Three, after Noon	ibid.
22.	The Plaintiff to file his Declaration three days before the day of hearing	14
23.	Adjournment to the two laſt days for Determination of References by Aviſare Volumus, or Action entred in Court time	ibid.
24.	Criminal Cauſes to be tryed at the General-Courts	15
25.	The Governor, and two of the Council, to go the Circuit	16
26.	Appeals, how to be made	ibid.
27.	Amerciaments in the General-Courts	17
28.	Subpæna's to be iſſued by the Clerk	18
29.	Dedimus Poteſtatem, how to iſſue	ibid.
30.	Penalties for non-apperance of Evidences	19
31.	County-Courts appointed	20

32. No

The Table.

Act.		Page.
32.	*No Arrest without entry of Action*	21
33.	*The Defendant to put in his Answer*	ibid.
34	*Form of entring the Court*	ibid.
35.	*Court not to take Cognizance, of any thing under two hundred pounds of Tobacco*	22
36.	*Private Courts prohibited*	ibid.
37.	*Tryals by Juries*	23
38.	*Grand-Juries to present Offenders*	ibid.
39.	*Pillories to be erected in each County*	24
40.	*Fines to be disposed of by the Assembly*	ibid.
41.	Supersedeas *by whom, and how granted*	25
42.	*Prisons to be built in each County*	ibid.
43.	*Dwellers within the Rules of any Prison, not to have the benefit thereof*	26
44.	*Sheriff to be chosen in the Commission*	ibid.
45.	*Sheriffs not making return*	27
46.	*Sheriffs to take Bail*	ibid.
47.	Non est inventus	28
48.	*Apprizement of Goods*	ibid.
49.	*No Commissioner, Clerk, or Sheriff to be Atturnies in the Court where they Officiate*	29
50.	*Publication of Writs for Election of Burgesses*	30
51.	*Publique Levies to be first paid*	ibid.
52.	*The Sheriff, upon the instance of the Treasurer, or his Deputy, to Collect the Quit-Rents*	31
53.	*List of Tithables how to be taken*	ibid.
54.	*What Persons are Tithable*	32
55.	*Counsellours and ten persons to be exempted out of the Levy,*	ibid.
56.	*Artificers not planting Tobacco, to be freed from paying Levy,*	ibid.
57.	*Counsellour to raise a Levy*	33
58.	*No Arrests to be made on Sabbath-dayes*	ibid.
59.	*Reward for killing of Wolves*	34
60.	*Commissioners to take Security of Sheriffs*	ibid.
61.	*Judgment before Commissioners*	35
62.	*Persons removing into the* Bay	ibid.
63.	*English Weights and Measures*	36
64.	*County-Courts to grant Probates and Administration*	37
65.	*Administrations to whom to be granted*	ibid.
66.	*Concerning Orphans*	38
67.	*Orphans Land, not to be Aliened*	40
68.	*Grants of Land*	ibid.
69.	*Deserted Land*	41
70.	*Seating upon others Dividents*	ibid.
71.	*Not to Shoot or Range upon other mens Lands*	42
72.	*Lands five years in possession*	ibid.

73. *Against*

The Table.

Act.		Page.
73.	*Againſt fraudulent Conveyances*	43
74.	*Quit-Rents how to be paid*	44
75.	*Surveyors of Land*	ibid.
76.	*Land to be plainly Marked and Bounded*	45
77.	*What Fences ſhall be ſufficient*	ibid.
78.	*Bounds of Lands to be every four years renewed by the view of Neighbourhood*	46
79.	*Surveyors for High-wayes*	47
80.	*Tobacco when to be demanded*	48
81.	*Judgments and Specialties, how long pleadable*	ibid.
82.	*Atturnies for buſineſs out of* England	49
83.	*Burgeſſes*	ibid.
84.	*Burgeſſes Aſcertained*	50
85.	*Burgeſſes charges to be aſcertained*	ibid.
86.	*Burgeſſes to appear upon the day*	ibid.
87.	*Burgeſſes not to be Arreſted*	51
88.	*No Order to contradict an Act*	ibid.
89.	*Aſſemblies to enquire after the breach of Laws*	52
90.	*Publique Letters how to be conveyed*	ibid.
91.	*Divulgers of falſe News*	53
92.	*Chirurgions Accompts Regulated*	ibid.
93.	*Chirurgions Accompts pleadable after the deceaſe of the party,*	54
94.	*Diſcounts to be made in Courts*	ibid.
95.	*Accompts againſt dead mens Eſtates*	ibid.
96.	*Ballancing Accompts of deceaſed perſons*	55
97.	*Ordinary-Keepers how to ſell*	ibid.
98.	*Servants how long to ſerve*	56
99.	*Againſt Secret Marriage*	57
100.	*Againſt Fornication*	ibid.
101.	*Hired Servants*	58
102.	*Run-awayes*	59
103.	*Cruelty of Maſters Prohibited*	60
104.	*Againſt unruly Servants*	ibid
105.	*Againſt Trading with Servants*	61
106.	*No Tobacco to be planted, after the tenth of* July	ibid.
107.	*No Seconds or Slips*	ibid.
108.	*Improvement of Staple-Commodities*	62
109.	*Act for Mulbery-Trees*	63
110.	*Encouragement to build Veſſels*	ibid.
111.	*Tan-houſes to be erected*	64
112.	*Two Acres of Corn for each Tithable*	ibid.
113.	*Stray Horſes*	65
214.	*Free Trade*	ibid.
115.	*Exportation of Hides*	66

The Table.

Act.		Page.
116.	*Exportation of Money*	66
117.	*Size of* Virginia *Hogsheads*	ibid.
118.	*Against private taking away Boats*	67
119.	*Against shooting*	ibid.
120.	*Supply of Ammunition*	ibid.
121.	*Against exacting-Millers*	68
122.	*Against Exportation of English Goods*	ibid.
123.	*No Mares or Sheep to be transported*	69
124.	*Against selling of Rum, but in places appointed*	ibid.
125.	*Against Stealing of Hogs*	ibid.
126.	*Masters of Ships to provide four Moneths Provision*	70
127.	*Concerning Passes*	ibid.
128.	*Imposition of two shillings* per *Hogshead*	71
129.	*Every Inhabitant in* Northumberland *and* Westmerland *Counties, to give an Accompt how many Hogsheads of Tobacco they made, and to whom disposed*	72
130.	*Payment of Fort-Duties in* Accomake, *&c.*	73
131.	*Ten shillings* per *Hogshead*	ibid.
132.	*Castle-Duties to be paid*	74
133.	*Ships to come up to* James-City	ibid.
134.	*Priviledge of* Virginia-*Owners*	75
135.	*A Publique Notary appointed*	ibid.
136.	*Acts concerning the* Indians	76,77,78,79
137.	*Clerks fees to be paid*	80
	The Secretaries Fees	ibid.
	County-Court Clerks Fees	81
	The Sheriffs Fees	ibid.
	The Clerk of the Assemblies Fees	82
138.	*Interpreters made for the Countrey*	82

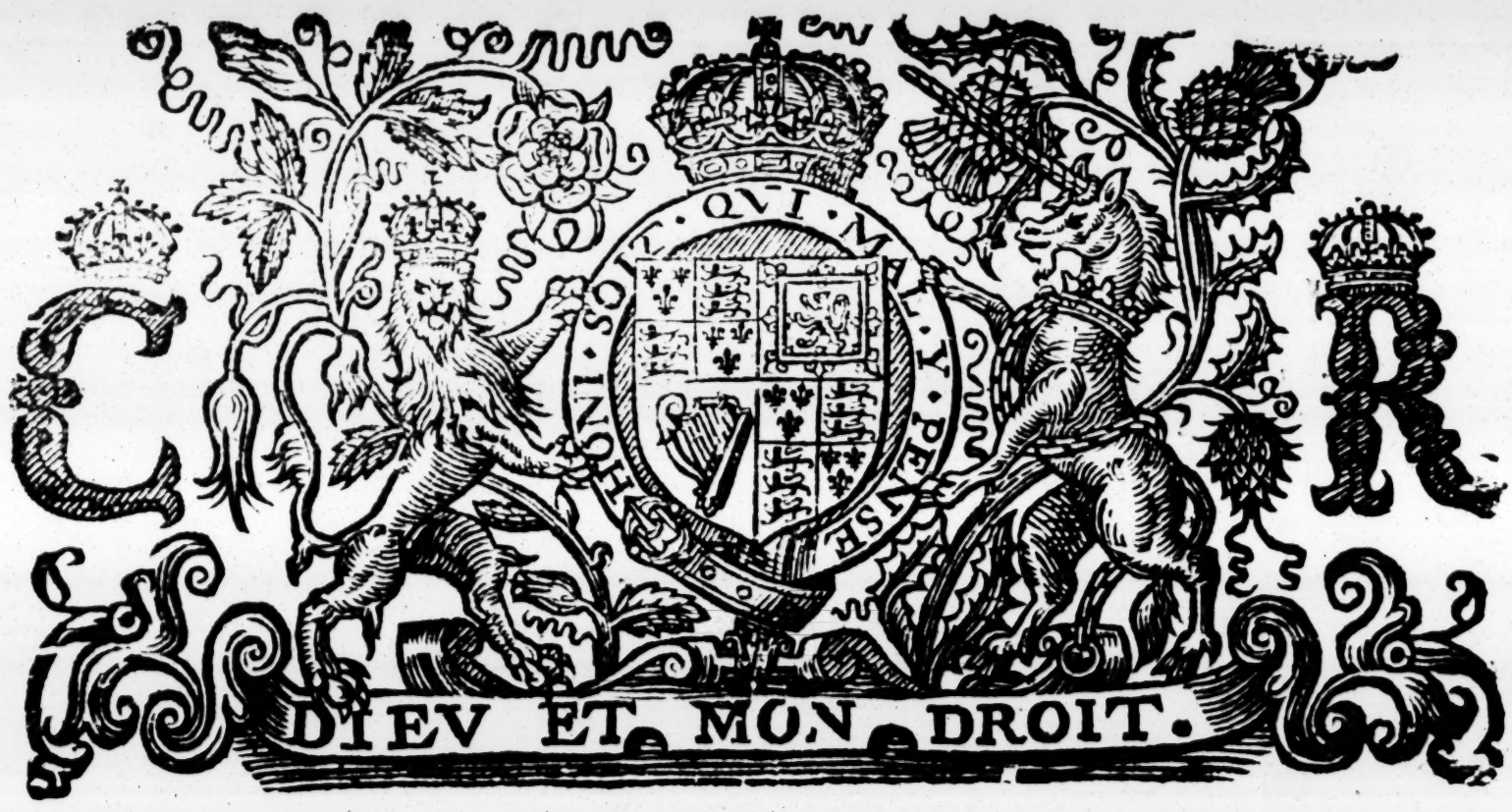
FINIS.

THE LAWES OF VIRGINIA NOW IN FORCE.

LONDON, PRINTED IN THE YEAR 1662.

NO TRUE PICTURE OF ANY COLONY CAN BE GIVEN WITHOUT CONSIDERATION OF THE REACTIONS OF THE OTHER COLONIES. THE FOLLOWING GROUP OF BOOKS SHOWS THE RELATIONS BETWEEN MARYLAND AND HER NEAREST NEIGHBORS.

THIS EDITION OF THE LAWS OF VIRGINIA WAS REVISED BY FRANCIS MORYSON AND HENRY RANDOLPH AFTER THE RESTORATION. THE LAW SHOWN HERE DEALS WITH THE CONTROL OF THE TOBACCO TRADE.



A

September 3^d. 1662.

Imprimatur,

Jo. Berkenhead.

THE LAWES OF VIRGINIA

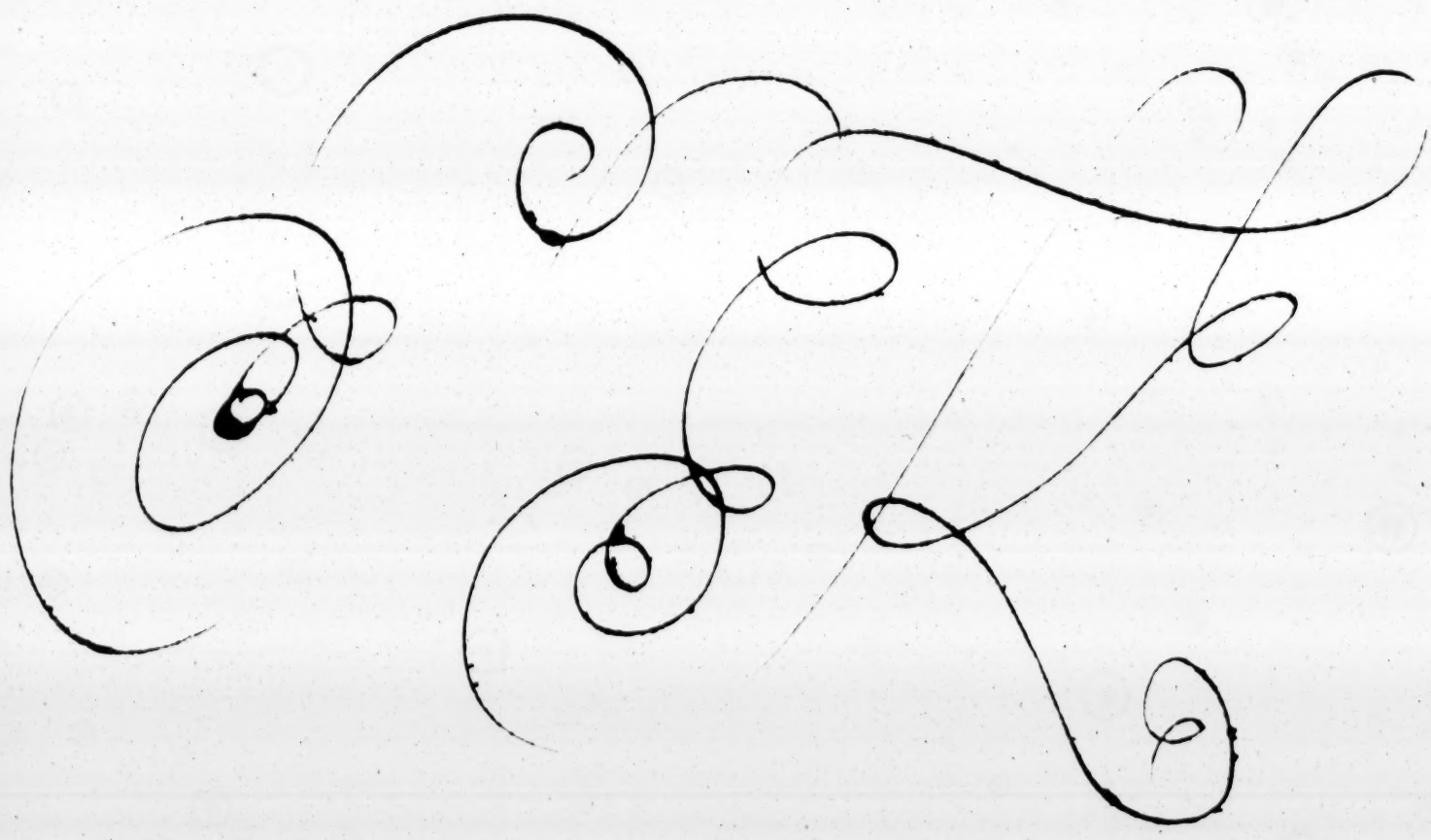
Now in Force, let alone
But rather studie the law of thy redeemer
Collected out of the *Assembly Records*, and
Digested into one Volume.

Revised and Confirmed by the *Grand Assembly*
held at *James-City*; by Prorogation, the 2,d of
March 1661. in the 13th. Year of the Reign
of our Soveraign Lord

King Charles the II.

J. Harrington — J Harrington

LONDON:
Printed in the Year, M.DC.LXII.



For the Honourable

Sr William Berkeley.

Most Honoured Sir,

Since your care impos'd on me and the Clerk of the Assembly, the charge to peruse our Laws, and to reduce them into as good a Form, as our weak abilities could perform; I thought my self obliged to render you an accompt of our performance; which might, perhaps, have been better done, had not the Troubles of the Indians, *and* Quakers, *and other emergent Occasions of the Publique, depriv'd me of much of that time I had devoted to that most serious Imployment.*

However, Sir, as they are (since the Assembly hath approv'd them, and Ordered them to be put in Print) I thought it my duty to Dedicate them to your Patronage, who, of the most and best of them, was the only Author.

Little addition there is to what your self had done in the time of your Government, only what vitious Excrescencies had grown in the body of them, by the corrupt humor of the times, we have throughly purg'd them of, that we might not any where leave unrazed the memory of our enforc'd Defection from his Sacred Majesty; for whom, your prudent care so long preserved the Countrey, both from the ruine we were almost brought to by that desperate Warr with Opechankevogh, *whose Conquest (had not the Cloudiness of those times obscured the glory of it) could not have lost the esteem of being one of the most important Services, that, perhaps, had been rendred in many years before to the Crown.*

But, Sir, you have not only done this, but alſo retein'd us in an inviolated obedience to his Majeſty, that we were the laſt of his Subjects that neceſsity enforc'd from our duty, which was an Act of approved Loyalty, as the other was of gallant Bravery.

Sir, though the remoteneſs of this place, hath veild the glory of theſe, and other your Honourable Actions; yet I, and all that here with me were witneſſes of them, muſt, and ever will, acknowledg that to you, next to his Majeſties goodneſs, we owe both the Laws we Govern by, and the Countrey it ſelf now Govern'd by thoſe Laws: which truth, as a Publique Perſon, I muſt ever juſtifie; and, as a Particular one, confeſs my ſelf by it oblig'd to be

Moſt Honoured Sir,

Your moſt humble

And

Faithful Servant,

Francis Moryſon.

THE

THE LAWES OF VIRGINIA.

At a Grand Assembly held at James-*City*, *the* 23d. *of* March, 1662.

PREAMBLE.

WHEREAS the late unhappy Distractions caused frequent Change in the Government of this Country, and those produced so many alterations in the Laws, that the People knew not well what to obey, nor the Judges what to punish; by which means, Injustice was hardly to be avoided, and the just freedom of the people, by the uncertainty and licentiousness of the Laws, hardly to be preserved: This Assembly taking the same into their serious Considerations, and gravely weighing the Obligations they are to discharge to God, the King, and the Countrey; have, by setling the Laws, diligently endeavoured to prevent the like inconveniences by causing the whole body of the Laws to be Reviewed; all unnecessary Acts, and chiefly such as might keep in memory our forced Deviation from his Majesties Obedience, to be Repealed and Expunged; and those that are in force to be brought into one Volume: and, lest any prejudice might arise, by the ignorance of the times from whence those Acts were in force, they have added the Dates of every Act, to the end that Courts might rightly administer Justice, and give sentence according to Law, for any

thing hapning at any time ſince any Law was in force; and have alſo endeavoured in all things, as near as the capacity and conſtitution of this Countrey would admit, to adhere to thoſe Excellent, and often refined Laws of *England*, to which we profeſs and acknowledge all Reverence and Obedience; and that the Laws, made by us, are intended by us but as brief Memorials of that, which the capacity of our Courts is utterly unable to Collect out of its vaſt Volumns, though ſometimes, perhaps, for the difference of our and their Condition, varying in ſmall things, but far from the preſumption of contradicting any thing therein contained. And, becauſe it is impoſſible to honour the King as we ſhould, unleſs we ſerve and fear God as we ought; and that they might ſhew their equal care, they have ſet down certain Rules to be obſerved in the Government of the Church, untill God ſhall pleaſe to turn his Majeſties pious thoughts towards us, and provide a better ſupply of Miniſters among us.

Be it therefore Enacted by the Governour, Council, and Burgeſſes of this Grand Aſſembly, That all the following Laws, continued or made by this Aſſembly, ſhall be hereafter reputed the Laws of this Countrey, by which all Courts of Judicature are to proceed in giving of Sentence, and to which all perſons are ſtrictly required to yield all due Obedience; and that all other Acts, not in this Collection mentioned, be to all intents and purpoſes utterly Abrogated and Repealed, unleſs Suit be Commenced for any thing done in the time when a Law, now repealed was in force; in which caſe, the producing that Law ſhall excuſe any perſon for doing any thing according to the Tenor thereof.

I.

Church to be built, or Chappel of Eaſe.

BE it Enacted, for the advancement of Gods Glory, and the more decent Celebration of his Divine Ordinances, There be a Church decently built, in each Pariſh of the Countrey, unleſs any Pariſh is now ſetled, by reaſon of the fewneſs or poverty of the Inhabitants, be incapable of ſuſteining ſo great a Charge: In which caſe, It is Enacted, That ſuch Pariſhes ſhall be joyned to the next great Pariſh of the ſame County, and that a Chappel of Eaſe be built in ſuch places, at the particular Charge of that place.

II.

Veſtries appointed.

THat, for the making and proportioning the Levies and Aſſeſſements for building and repairing the Churches and Chappels, proviſion for the Poor, maintenance of the Miniſter, and ſuch other neceſſary uſes, and for the more orderly manageing all Parochial affairs: Be it enacted, That Twelve of the moſt able men of each Pariſh, be by the major part of the ſaid Pariſh, choſen to be a Veſtry; out of which number, the Miniſter and Veſtry to make choyce of two Church-wardens yearly, as at, ſo in caſe of, the death of any Veſtry-man, or his departure out of the Pariſh, that the ſaid Miniſter and Veſtry, make choyce of another to ſupply his room. And be it further Enacted, That none ſhall be admitted to be of the Veſtry, that doth not take the Oaths of Allegiance and Supremacy to his Majeſty, and ſubſcribe to be conformable to the Doctrine and Diſcipline of the Church of *England*.

III.

Glebes to be laid out.

THat for the better encouragement and accommodation of the Miniſtry, there be Glebes laid out in every Pariſh, and a convenient Houſe built for the Reception and abode of the Miniſter according to his Majeſtie's Inſtructions, and that ſuch Proviſion be made for his maintenance in the valuable and currant Commodities of the Countrey, as may be really worth fourſcore pounds *per annum*, beſides his Perquiſites and the Glebe (*viz.*, if in Tobacco at the rate of twelve ſhillings the hundred, in Corn at ten ſhillings the Barrel; if in Money, by Bills of Exchange, ſecurity to be given for the certain payment; and in caſe of Proteſt to be recovered here with Fifty *per cent* for damages.

IV.

Miniſters to be Inducted. 1642.

THat for the preſervation of Purity and Unity of Doctrine and Diſcipline in the Church, and the right Adminiſtration of the Sacraments, no Miniſter be admitted to officiate in this Countrey, but

ſuch as ſhall produce to the Governour a Teſtimonial, that he hath received his Ordination from ſome Biſhop in *England*, and ſhall then ſubſcribe to be conformable to the Orders and Conſtitutions of the Church of *England*, and the Laws there eſtabliſhed; upon which the Governour is hereby requeſted to induct the ſaid Miniſter into any Pariſh that ſhall make preſentation of him. And, if any other perſon pretending himſelf a Miniſter, ſhall, contrary to this Act, preſume to Teach or Preach, publiquely or privately: the Governor and Councel are hereby deſired and impowred to ſuſpend and ſilence the perſon ſo offending, and upon his obſtinate perſiſtence, to compel him to depart the Countrey, with the firſt convenience, as it hath been formerly provided by the 77th Act made at *James*-City, the ſecond of *March*, 1642.

V.

Miniſters to provide Readers, 1661.

THat every Pariſh not having a Miniſter to officiate every Sunday, do make choice of a grave and ſober perſon of good life and converſation to read Divine Service every intervening Sunday at the Pariſh-Church, when the Miniſter preacheth at any other place.

VI.

Liturgie to be Read.

THat the Canons ſet down in the Liturgie of the Church of *England*, for celebrating Divine Service and Adminiſtration of the Sacraments, be duly obſerved and kept; and that the whole Liturgie according to the ſaid Injunctions be by the Miniſter or Reader at Church and Chappel every Sunday throughly read.

VII.

Church-Catechiſm.

THat neither Miniſter nor Reader teach any other Catechiſm then that by the Canons appointed and inſerted in the Book of Common-Prayer; and that the Miniſter Expound no other then that, that our Fundamentals at leaſt may be well layd; and that no Reader upon preſumption of his own abilities do attempt

tempt the Expounding that or any other Catechiſm, or the Scritures.

VIII.

Miniſters to Preach Weekly.

THat the Miniſter of every Pariſh preach conſtantly every Sunday, (*viz.*) one Sunday in a Moneth at each Chappel of Eaſe in his Pariſh, if there be any; and the other in his Pariſh Church and that twice a year, at leaſt, he adminiſter the Sacrament of the Lords Supper there.

IX.

Sundays not to be Prophaned.

THat the Lords day be kept Holy, and that no Journeys be made on that day except in caſe of emergent neceſſity, and that no other thing be uſed or done, that may tend to the prophanation of that Day; but that all and every perſon and perſons inhabiting in this Countrey, having no lawful excuſe to be abſent, ſhall upon every Sunday, and the four Holy-dayes hereafter mentioned, diligently reſort to their Pariſh Church or Chappel accuſtomed, then and there to abide orderly and ſoberly during the time of Common-Prayers, Preaching, or other Service of God; upon penalty of being fined Fifty Pounds of Tobacco by the County-Court, upon preſentment made by the Church-Wardens, who are to collect the ſame with the Pariſh-levies. Provided alwayes, That this Act conclude not Quakers, or other Recuſants, who out of Non-conformity to the Church, totally abſent themſelves, but that they ſhall be lyable to ſuch fines and puniſhments as by the Statute of 23. of *Eliz.* are impoſed on them, being for every Moneth's abſence, Twenty pounds Sterling; and if they forbear a Twelve-Moneth, then to give good ſecurity for their behaviour, beſides their payment for their Monthly abſence, according to the tenor of the ſaid Statute; and, that all Quakers for Aſſembling in unlawful Aſſemblies and Conventicles, be fined, and pay each of them there taken two hundred Pounds of Tobacco for each time they ſhall be for ſuch unlawful meetings preſented by the Church-Wardens to the County-Courts.

X.

January *the* 30th. *to be kept a Faſt.*

WHereas our late Surrender and Submiſſion to that Execrable Power that ſo bloodily Maſſacred the late King *Charles* the Firſt, of ever-bleſſed Memory, hath made us by acknowledging them guilty of their Crimes, to ſhew our ſerious and hearty Repentance and Deteſtation of that barbarous Act: Be it Enacted, That the Thirtieth of *January*, the day the ſaid King was Beheaded, be annually ſolemnized with Faſting and Prayers, that our Sorrows may expiate our Crime, and our Tears waſh away our Guilt.

XI.

May 29th. *to be kept Holy.*

SInce God of his mercy hath been pleaſed to Reſtore our late Diſtracted Kingdoms to Peace and Unity, and his late diſtreſſed Majeſty to the Throne of his Royall Anceſtors: Be it Enacted, That in teſtimony of our Thankfulneſs and Joy, the Twenty-ninth of *May*, the day of his Majeſtie's Birth and happy Reſtitution, be annually Celebrated as an Holy-day.

XII.

None to be Married but by Miniſters, nor by them but by Licence or Publiſhing the Banes.

THat no Marriage be Solemnized, or reputed valid in Law, but ſuch as is made by the Miniſter, according to the Laws of *England*; and that no Miniſter Marry any perſons without Licence from the Governour or his Depnty, or Thrice publication of Banes according to the preſcription of the Rubrick in the Common-prayer-Book, which enjoynes, that if the Perſons to be Marryed, dwell in ſeveral Pariſhes, the Banes muſt be asked in both Pariſhes; and that the Curate of the one Pariſh ſhall not Solemnize the Matrimony, until he have a Certificate from the Curate of the other Pariſh, that the Banes have been there Thrice publiſhed, and no Objection made againſt the parties joyning together: And if any Miniſter ſhall, contrary to this Act, Marry any Perſons, he ſhall be fined

fined Ten thouſand pounds of Tobacco: And any pretended Marriage, made by any other then a Miniſter, be reputed Null; And the Children born out of ſuch Marriage of the Parents, eſteemed Illegitimate; and the Parents ſuffer ſuch Puniſhment, as by the Law prohibiting Fornication, ought to be inflicted.

XIII.

Church-wardens to make Preſentment.

THat the Church-wardens ſhall twice every year (*viz.*) in *December*-Court, and *April*-Court, deliver a true Preſentment, in writing, of ſuch Miſdemeanors, as by their knowledg, or by common fame, have been committed whilſt they have been Church-wardens; Namely, Swearing, Prophaning Gods holy Name, or Sabboth; abuſing, or contemning his holy Word and Sacraments, or abſenting themſelves from the exerciſe thereof; as alſo of thoſe foul and abominable ſins of Drunkenneſs, Fornication, and Adultery; and of all malitious and envious Slandering and Backbiting. For the better manifeſtation whereof, the ſaid Church-wardens are Impowred, to cauſe all ſuch perſons, upon whoſe Reports they ground their Preſentments, to appear at the reſpective County-Courts to which the Preſentments are made, to give in their Evidences concerning the ſame.

XIV.

Burial of Servants, or others, privately; Prohibited.

WHereas the private Burial of Servants, and others, give occaſion of much Scandal againſt divers perſons, and ſometimes not undeſervedly of being guilty of their Deaths; from which, if the perſons ſuſpected be innocent, there can be no Vindication; nor if guilty, no puniſhment, by reaſon they are, for the moſt part, Buried without the knowledg or view of any others then ſuch of the Family, as by nearneſs of relation, as being Husband, Wife, or Child are unwilling, or as Servants are fearful, to make diſcovery, if Murther were committed; for Remedy whereof, as alſo for taking away that Barbarous Cuſtom, of expoſing the Corps of the Dead (by making their Graves in common and unfenced places) to the prey of Hoggs, and other Vermine: Be it Enacted, That there be in every Pariſh, three, or four, or more, places appointed, according to the greatneſs or littleneſs of the ſame, to be ſet a-part and fenced in, for places of publique Burial, for that Precinct;

and further, that before the Corps be Buried, there be, at leaſt, three or four of the Neighbours called: who may, in caſe of ſuſpition, view the Corps; and, if none, yet, according to the decent Cuſtom of all *Chriſtendom*, they may accompany it to the grave. And be it further Enacted, That no perſons, whether free or ſervants, ſhall be buried in any other place then thoſe ſo appointed; unleſs ſuch, who by their own appointment in their life-time, have ſignified their deſire of being interred in any particular place elſewhere.

XV.

Church-wardens to keep the Church in Repair, and provide Ornaments.

AND it is further Enacted, That the ſaid Church-wardens take care, and be impowred, during their Church-wardenſhips, to keep the Church in repair, provide Books and decent Ornaments, (*viz.*) a great Bible, two Common-Prayer-Books, a Communion-Cloth and Napkins, a Pulpit and Cuſhion this preſent year; and after annually ſomething towards Communion-Plate, Pulpit-Cloth, and Bell, as the ability of the Pariſh will permit: And that they the ſaid Church-wardens, do faithfully collect the Miniſters dues, cauſe them to be brought to convenient places, and honeſtly pay them; and that of all their Diſburſements, and Receipts, they give a true accompt to the Veſtry, when by them required, who are impowred, by a former Branch of this Act, to levy the ſame upon the Pariſh; and by this, to give the ſaid Church-wardens a ſufficient diſcharge.

XVI.

Regiſters to be kept by the Miniſters or Readers.

WHereas many differences do frequently ariſe about the age of Orphants, and enquiries are often made for perſons Imported into this Countrey, and here deceaſed, and no poſitive Certificates can be granted of the Age of one, or Death of the other, by reaſon no Regiſters have been kept, which might, by the Record there entred, evidence the ſame: Be it therefore Enacted, That the Miniſter or Reader of every Pariſh, ſhall well, truly, and plainly, Record all Births, Burials, or Marriages, that ſhall happen within the Precincts of that Pariſh, in a Book to be provided by the Veſtry for that purpoſe. And, if any Maſter of a Family, or other perſon concerned, ſhall omit the giving notice to the ſaid Miniſter or Reader, of

of the day of the Birth, Death, or Marriage, of any to him or them related, the ſpace of a Moneth, ſuch perſon for ſuch his neglect, be fined One hundred pounds of Tobacco: And that the Miniſter have for their entry of ſuch Birth, Death, or Marriage, Three pounds of Tobacco; and if they neglect entring the ſame, as aforeſaid, that they be fined, upon diſcovery made of the ſaid neglect, five hundred pounds of Tobacco to the uſe of the Pariſh.

XVII.

Licences for Marriage how to iſſue.

AND whereas many times Licences are granted, and the perſons are Marryed out of the Pariſhes, which Licences have been uſually granted by the Governour, whoſe knowledg of perſons cannot poſſibly extend over the whole Country: Be it Enacted, That henceforward, all perſons deſiring Licences for Marriage, ſhall firſt repair to the Clerk of the County-Court, and there give Bond, with good Security, that there is no lawful cauſe to obſtruct their ſaid Marriage; and that upon receipt of ſuch Bond, the ſaid Clerk ſhall write the Licence, and certifie to the firſt in Commiſſion for that County, or ſuch other whom it ſhall pleaſe the Governour to Depute, that he hath taken a Bond, as aforeſaid; who, by vertue thereof, ſhall ſigne the ſaid Licence, and direct the ſame to the Miniſter. And to the end that the legal Grant of the ſaid Licence may be made Evident, and the Governour aſcertained of his juſt dues: It is further Enacted, That the ſaid Clerk ſhall yearly, in *September*-Court, return the Names of the parties Marryed, and of the Security, to the Secretaries Office, there to be Recorded; and further, that he deliver an accompt of the Fees due for the ſaid Licences, to the Sheriff or Collector of the County, who is hereby required to Collect the ſame with the Levies, and to make payment thereof to the Governour, and others, to whom they are due: And any Clerk making default in any of the premiſes, to forfeit One thouſand pounds of Tobacco, to the uſe of the Governour. The Fees for the Licences, to be as followeth (*viz.*) to the Governour, Two hundred pounds of Tobacco, or Twenty ſhillings ſterling; to the Clerk for writing the Bond, Licence, Certificate, and returning the ſame to the Office, Fifty pounds of Tobacco; and to the Secretary for Recording the ſame in the Office, as aforeſaid, Forty pounds of Tobacco; and the Miniſter Marrying with a Licence, Two hundred pounds of Tobacco, or Twenty ſhillings ſterling; if by Banes, Fifty pounds of Tobacco, or five ſhillings.

XVIII.

Proviſion for a Colledge.

WHereas the want of able and faithful Miniſters in this Countrey, deprives us of thoſe great bleſſings and mercies, that alwayes attend upon the Service of God, which want by reaſon of our great diſtance from our Native Countrey, cannot in probability be alwayes ſupplyed from hence: Be it enacted, That for the advance of Learning, Education of Youth, Supply of the Miniſtry, and Promotion of Piety, there be Land taken up or purchaſed for a Colledge and Free School, and that there be with as much ſpeed as may be convenient houſing Erected thercon for entertainment of Students and Scholars.

Whereas an Antient practice of this Countrey, hath, contrary to Law and Reaſon, ignorantly veſted the Lands of perſons inteſtate in the hands of Adminiſtrators, of whom divers perſons have purchaſed, and hold their Lands by no other Titles, then ſuch ſales which can be of no validity againſt the claim of the King, whom no time can preſcribe, and to whom, if an Heir appear not, the Land muſt of neceſſity devolve. And if the King ſhould at any time, give expreſs Order to an Eſcheater to make inquiry into the Titles we hold by; the ſaid Eſcheater cannot, by vertue of his Office, but find all ſuch Lands for the King, which we *Francis Moriſon*, and *Thomas Ludwell*, who are, at preſent, intruſted by his Majeſties Treaſurer to make compoſition for all Lands ſo Eſcheated to his Majeſty, taking into our ſerious conſideration, and out of our tender care of many poor men, who by the loſs of Lands, thus perhaps dearly purchaſed, and honeſtly payd for; and out of our ſenſe of the many inconveniences, and great damages would fall upon them by being ouſted out of their Poſſeſſions by the ſeverity of a too rigorous Eſcheator; and that, on the other ſide, we might not ſeem to debarr his Majeſty of his juſt Rights: we have thought it convenient to propoſe a certain Rule for Compoſitions for all Lands held by any pretended Right two years, by which, while the power is in our hands, we ſhall proceed: and if the Aſſembly think it a favour, we ſhall joyn with them, making it our requeſt to Major *Norwood*, his Majeſties Treaſurer, to get his Majeſty to confine them, that no ſucceeding Eſcheator may at his pleaſure rigorouſly exceed theſe our moderate and reaſonable Demands.

1. We concede, that any perſon, having been two years in poſſeſſion of any Land that ought to have been veſted in his Majeſty by Eſcheat, ſhall pay for his Compoſition but one Hundred Pounds of

of Tobacco for every fifty acres, beſides the Fees for finding the Office, and drawing the Conveyance.

2. That every perſon having been ſo in poſſeſſion two years as aforeſaid, ſhall have Eight Months time to petition for, and make their Compoſition; but if they defer it longer, and another ſue for it, and obtain it, they can impute the blame to nothing but their own neglect.

3. That where there is a Widdow, ſhe ſhall enjoy the Land of her Husband during her life, and be admitted, in the firſt place, to make her Compoſition for the Fee-ſimple, in caſe ſhe ſignifie her deſire within the time aforeſaid.

That all Lands eſcheated before the two years aforeſaid, the perſon concerned ſhall pay for his Compoſition as aforeſaid; but all Lands, which ſhall hereafter lapſe, or which have lapſed within the two years laſt paſt, the Compoſition to be made for, with thoſe by his Majeſties Treaſurer appointed and authorized thereunto; and that the Widdow be admitted in the firſt place, ſhe making her claim within Eight Months according to the Propoſition aboveſaid.

XIX.

Courts.

WHereas the name of Quarter-Courts is altogether unſuitable to the nature of thoſe Courts held by the Governour and Council, both in reſpect there are but three of thoſe Courts in the year, as alſo, becauſe they are not equally diſtributed in the Quarters of the Year; *September* and *November* being too neer, and *March* too long from them, to admit of that Title. Be it therefore enacted, That the ſaid Courts be no longer ſtiled Quarter-Courts, but that they be henceforth called General-Courts; a name more ſuitable to the nature of them, as being places where all perſons and cauſes have generally audience, and receive determination.

Whereas the Acts of Aſſembly already made, are very defective in preſcribing the Rules to be obſerved in the proceedings both in thoſe General, and the particular County-Courts, for want whereof, many errors are committed; the reſpects due to the Courts ſo nearly repreſenting His Majeſties ſacred Perſon, by the clamorous unmannerlineſs of the people, loſt: and the Order, Gravity, and Decorum, which ſhould manifeſt the authority of a Court, in the Court it ſelf neglected: And in regard the long omiſſion of thoſe hugely material, though, in themſelves little things of form, hath cauſed all things ſtill to continue in the firſt diſorders; It hath appeared neceſſary to this preſent Grand Aſſembly, to ſet down the Rules and Forms themſelves for the beginning, continuance, and proceedings in the ſaid Courts, as fol-

loweth. And it is therefore enacted, That the *General-Courts* begin and continue, as followeth (*viz.*)

General Courts to begin and continue.

That *March*-Court begin the Twentieth of *March*, if it be not Saturday or Sunday; and then the Munday following; and hold eighteen dayes, not accounting Sundays in the number.

That *September*-Court begin the Twentieth of *September*, if it be not Saturday or Sunday, and then to begin the Munday following; and hold Twelve dayes, not accompting Sundayes in the number.

That *November*-Court begin the Twentieth of *November*, if it be not Saturday or Sunday; and then to begin the Munday after; and hold twelve dayes, not accounting Sundayes in the number.

That Adjournments of the said Courts, be alwayes avoided, and that they begin precisely upon the day, that all persons knowing the day of the return of the Writs, may accordingly give their attendance.

Stile how entred.

That the Stile of the Court be entred thus.

At a General Court held at *James*-City, the twentieth of by His Majesties Governour and Council, in the year of the Raign of our Soveraign Lord *Charles* the Second, by the Grace of God, of Great *Britain*, *France*, and *Ireland*, King; Defender of the Faith, *&c.* and in the year of our Lord God present.

Insert the name of the Governour and Council.

Silence commanded.

Then let the Cryer or under-Sheriff make Proclamation, and say,

O Yes, O Yes, O Yes: silence is commanded in the Court, while His Majesties Governour and Council are sitting, upon pain of Imprisonment.

Suitors to appear.

After Silence commanded, let the Cryer make Proclamation saying.

All manner of persons that have any thing to do at this Court, draw neer, and give your attendance; and if any one have any plaint to enter, or suit to prosecute, let them come forth, and they shall be heard.

When silence is thus commanded, and Proclamation made upon calling the Docket, the Cryer shall call for the Plaintiff.

Calling the Plaintiff.

A. B. Come forth, and prosecute thy Action against *C. D.* or else thou wilt be nonsuite; and the Plaintiff putting in his Declaration, the Cryer shall call for the Defendant.

Calling

Calling for the Defendant.

C. D. come forth and ſave thee and thy Bail, or elſe thou wilt forfeit thy Recognizance.

For proceedings in the ſaid Courts.

Warrants to be iſſued by the Clerks.

XX.

Actions to be Proportioned.

BE it Enacted, That Warrants be iſſued by the Clerks of the General Courts, and the ſaid Clerk ſo proportion the number of his Actions, that there be for each day Twenty, and that, until there be Twenty Actions entred for the firſt day, no Warrant iſſue for the ſecond; and then Twenty for the ſecond, before any iſſue for the third; and ſo proportionably Twenty *per* day, for ſo many days as there are Actions to fill with that number. It being unreaſonable, That the Governour and Council ſhould wait a week for a ſtragling buſineſs entred at a particular mans pleaſure. And in caſe any ſpecial Warrant iſſue, that for the extraordinarineſs of the buſineſs may require the Governours own ſigning. It is enacted, That the perſon firſt go to the Clerk, and there enter his Action, and the day of the Return before his Warrant ſhall be ſigned.

And whereas ſome ſcruples have ariſen about the time Warrants may be ſerved (*viz.*) Whether ten days before the return, that is the day mentioned in the Writ to appear: It is hereby declared, that Warrants may be ſerved at any time, if there be ten days between the Serving and the Return as aforeſaid. And further, that it may be done in Court-time for the ſame Court, if there beten days between the Serving.

Warrants may be ſerved to the General-Court at any time, if there be ten days between the Arreſt and Return.

XXI.

Courts to ſit from Eight to Eleven of the Clock in the Forenoon: from one to three, after Noon.

BE it alſo further Enacted, That the Court ſhall each day ſit from Eight of the clock till Eleven in the fore-noon, and from One to Three in the afternoons: And for avoiding all Errors that may happen in the draught for the Orders by the Clerk, either through his miſ-apprehending the ſenſe of the Court, or the partial Information of any perſon concerned, which he, being diſtracted with the multiplicity of buſineſs, may unwittingly aſſent to; that all Orders of the day be by the Clerk drawn up againſt next morning, and then read

in open Court (in preſence of the Plaintiffe and Defendant, if they will be preſent) when Rule will be given by the Court for amendment of Errors, if any be before they be entred upon Record; and the Plaintiffe or Defendant, if they have any new matter of plea, ſhall then have liberty to plead it in Arreſt of Judgement. And the Orders thus publiquely read and confirmed ſhall be ſigned by the Secretary which ſhall remain upon File in the Office for the full Juſtification of the Clerk, who is to enter them in the Book of Records.

XXII.

The Plaintiffe to file his Declaration three days before the day of Hearing.

AND whereas the Clerk is enjoyned to enter Twenty Actions for each day, and the Court to ſit at certain hours; ſo alſo, It is hereby Enacted, That the Plaintiffe file his Declaration in the Office at leaſt three days before the day of Hearing: in which time, the Defendant may take a Copy there of, the Original ſtill remaining in the Office, and provide his Anſwer in writing, ready to preſent to the Governour and Council at the day of hearing: and further, that if the Plaintiffe fail either in not appearing to proſecute, or in neglecting to file his Declaration, as is hereby enjoyned, he ſhall pay to the Defendant, if he liveth within fifty miles of *James*-City, one hundred and fifty pounds of Tobacco for a Non-ſuit; and if he dwell further off, then three hundred & fifty pounds of Tobacco; beſide his Amercement to the Publique. And if the Defendant make default, the Judgment to paſs againſt the Bail for the thing ſued for; or, if no Bail be returned, then againſt the Sheriff, beſides his Amerciament of one thouſand pounds of Tobacco laid upon him by Act, for not making Returns. Provided, that the Bail and Sheriffe have reſpit of Execution until the next Court, when, if they bring in the perſon of the party the Judgment of the firſt Court granted to be reverſed; but the Amerciament awarded againſt the Sheriff to continue, and not to be remitted.

XXIII.

Adjournment to the two laſt days for Determination of References by Aviſare Volumus, *or Actions erected in Court-time.*

AND whereas this Act enjoyns the proportioning ſo many Actions to a day, but gives liberty to arreſt in Court-time to the laſt

laſt dayes of the Court. And whereas ſome caſes of difficulty may be preſented, upon which the Court may deſire to adviſe: Be it therefore Enacted, that aſſoon as the Court hath ſat ſo many dayes as are filled with Actions, it ſhall be adjourned to the two laſt dayes of that Court; and what-ever the Court hath referred by their *Aviſare Volumus*, and all Actions entred in Court-time, as aforeſaid, ſhall be then tryed and determined.

XXIV.

Criminal Cauſes to be tryed at the General Courts.

WHereas men of the greateſt abilities both for Judgement and Integrity do uſually meet at the *General-Courts*, whither their occaſions do frequently call them, and becauſe any thing that concerneth life or limb, requires the ableſt Juries to enquire of it: Be it enacted, That all criminal cauſes, that concern either life or member, ſhall be tryed at the General Courts, only the fourth day of the ſaid Courts; and becauſe the Laws of *England* do enjoyn Juries to be choſen out of the Neighbourhood where the fact was committed, according to which the remoteneſs of our habitations, doth not admit us ſo fully to practiſe, as we deſire; yet that we may come to them as near as poſſibly we may, and becauſe it is very requiſite that, part of the Jury, at leaſt, ſhould come from thence, who by reaſon of their nearer acquaintance with the buſineſs, may give Information of divers circumſtances to the reſt of the Jury. Be it therefore Enacted, That immediately after the commitment of any perſon found criminal by the grand Inqueſt, the Sheriffe of the County to whoſe cuſtody he is committed, ſhall give notice thereof to the Secretaries Office at *James*-City, and the Clerk of that Office ſhall preſently ſend a *Venire facias* to the ſaid Sheriff to Impannel ſix men of the ableſt and neereſt of the Inhabitants of his County to that place where the fact was committed to be of the Jury for Tryal of that cauſe returnable the ſaid fourth day of the next General-Court, where the ſaid Jury-men are bound to appear; and for their charges, the Countrey ſhall allow to each man Twenty pounds of Tobacco *per* day, for each day they may be reaſonably coming to, and returning from, *James*-City; and Fifty pounds of Tobacco *per* day during their attendance there about it, (*viz.*) from the day they are by the Writ to appear, until they be diſcharged, and that the reſt of the *Jury* be made up of the By-ſtanders.

XXV.

The Governour and two of the Council to go the Circuit.

WHereas the Honourable Governour, out of his ſingular care of his due Adminiſtration of Juſtice in all Courts, and that he might be the better enabled to render his Majeſty an exact Accompt of the Government, hath been pleaſed to take upon him and the Council the pains of viſiting all the *County-Courts* of the Countrey: Be it therefore Enacted, That the Honourable Governour, and one of the Council, or, upon the urgent affairs of the Countrey hindering the Governour, that the Governour Commiſſionate two of the Council for every River, yearly in *Auguſt* to ſit Judges in all the *County-Courts*, and there hear and determine all cauſes then depending in them by Action or reference from any other preceding Court in that County. Provided no Councellor be appointed to go the circuit in the River wherein he doth inhabit.

XXVI.

Appeals how to be made.

WHereas many Appeals are made from *County-Courts* to *General-Courts*, and from *General-Courts* to *Aſſemblies*, whereby the ſpeedy Execution of Juſtice is often retarded; and many perſons, diſabled by the charge of going to *James*-City to proſecute, are forced many times to deſiſt from the claim of their Juſt Rights: Be it therefore Enacted, that, for the avoiding delayes, and for the eaſe of the Inhabitants, all Appeals made in any Court after the *General-Court* in *March*, be referred to the hearing of the Governour or Itinerary-Councellours in their Circuit; From whoſe ſentence, it there, if any perſon will appeal. If the Governour be preſent, ſhall be made to the next Aſſembly: if two of the Council, then to the next *General-Court*, from which the ſaid Councellors, during the Tryal of ſuch cauſe or cauſes in which they had at the *County-Courts* given their opinions ſhall be ſuſpended. But becauſe in the Winter time the *General-Courts* are more frequent, and all Cauſes there receive a ſpeedier determination; and, becauſe Tobacco being only then payable, may be paid in kind: It is Enacted, That all appeals made from *October*, *December*, and other Intervening *County-Courts* be made to the next ſucceeding *General-Court*, and from thence to the *Aſſembly*. And becauſe there may be as great Errors of Judgement or Will, in matters of ſmall value as in the greateſt; It is further Enacted,

Enacted, That Appeals ſhall lie open, as aforeſaid, for any thing of what value ſoever; alwayes Provided, that the Appellant put in good Security for proſecuting the Appeal, and payment of Fifty *per cent.* Damages to the Defendant, if the Appellant be caſt in the Suit, for his unjuſt moleſtation. Provided alſo, that no Appeals be made from *Northampton-County*, whoſe remoteneſs and dangerouſneſs of Paſſage is ſuch, as is not, for inconſiderable-cauſes, to be attempted, under the value limited by former Acts of Aſſembly, being Three thouſand pounds of Tobacco, or Thirty pounds ſterling; any thing in this Act to the contrary notwithſtanding. And be it further Enacted, That all cauſes of what value or nature ſoever, not touching life or member, may be tryed at the *County-Courts*, and that no Arreſt be made to the *General-Court*, in any Action under the value of Sixteen hundred pounds of Tobacco, or Sixteen pounds ſterling; upon penalty of Five hundred pounds of Tabacco, to be paid by the Plaintiff to the Defendant, for his Charges.

XXVII.

Amerciaments in the General-Courts Fifty pounds of Tobacco per Cauſe; *in County-Courts, Thirty* per Cauſe.

WHereas many Suits are raiſed upon frivolous occaſions, by litigious perſons; for prevention thereof, for the future, Be it Enacted and confirmed, That all perſons whatſoever, that are caſt in any Cauſe, be they Plaintiffs or Defendants, ſhall be Amerced (beſides the Dammages and Coſts to the Recoverers) Fifty pounds of Tobacco, in the *General-Courts*, to the uſe of the Publique; and in the *County-Courts*, Thirty pounds of Tobacco, for the maintenance of the Commiſſioners. For the due Collecting whereof, Be it Enacted, That the Clerks of the *General-Courts*, and the ſeveral *County-Courts*, keep an exact Accompt of the Amerciaments, and deliver or ſend the ſame to the ſeveral Sheriffs of the particular Counties; who are hereby required to Collect the ſame, with the Levies; and are accordingly impowred, for default of payment, to make diſtreſs, and commanded not to return any Arrears; (Executors and Adminiſtrators, who cannot pay without orders, alwayes excepted.)

XXVIII.

Subpæna's *to be Iſſued by the Clerk.*

BE it alſo Enacted, That the Clerk of the *General-Court* ſhall iſſue *Subpæna's* from the Secretaries Office, for all Evidences required in the tryal of any Cauſe there depending, if the Witneſſes required do not dwell beyond the *Bay*, or the North-ſide of *James-River*: And if they do, that then a *Dedimus Poteſtatem* ſhall iſſue for taking the Depoſition in the County, or Counties, where the Witneſſes do dwell. Provided alwayes, That in *Criminal-Cauſes* all Witneſſes be bound over to give in their Evidences *vivâ voce*, at the tryal in the *General-Court*.

XXIX.

Dedimus Poteſtatem *how to iſſue.*

WHereas many Cauſes between parties and parties, are loſt for want of Evidence: who living ſo far remote cannot, but at a charge and expence farr exceeding the value of the Cauſe, be brought to give it *vivâ voce*, at the *General-Court*, or at the *County-Courts*, if the party dwell out of the County, or elſe a greater miſchief is introduced, by the partial and illegal Examination of Witneſſes in preſence of but one party before ſome one Commiſſioner, perhaps too favourably inclined to the party in whoſe behalf the Depoſitions are taken, beſides the trouble, expence, and hinderance of the Witneſſes themſelves, who, many times, are forced One hundred Miles from the place of their Reſidence, for a ſmall allowance, to give Evidence in tryals of petty and inconſiderable values: For remedy whereof, and that all parties may with more convenience, leſs trouble and coſt, have their Evidences impartially and legally taken; Be it Enacted and confirmed, That if the Cauſe be to be Tryed at the *General-Court*, the Governour; if in any *County-Court*, any one of the Council, or the Judge of the Court; ſhall grant and ſign a Writ of *Dedimus Poteſtatem*, for Examination of Witneſſes, in the Counties where they dwell, directed to three ſuch perſons as the Plaintiff and Defendant; if they both deſire, the Writ ſhall, by conſent, make choice of and nominate. But if it be the ſingle requeſt of either Plantiff or Defendant, then the Governour, Councellour, or Judge of the *County-Court*, out of Court-time, ſhall nominate and appoint three or more ſuch indifferent perſons to examine all ſuch Witneſſes, as by the party deſiring the Writ they ſhall be moved to ſummon before

before them. And to this end the Commiſſioners, thus made choice of, or appointed to execute the Writ, or any two of them, ſhall by the ſaid Writ, be impowred and required to appoint a time and place, when and where they will receive the Evidences, and to iſſue out *Subpæna's* for their appearances accordingly; and if upon ſuch Summons any of the Witneſſes refuſe or neglect to come and give in their Evidences, then the Commiſſioners, or any two of them, be further impowred, by this Act, to lay ſuch a fine upon them as the Act of Aſſembly gives in ſuch caſes, for non-appearance of Witneſſes, at the *General* or *County-Courts*. Provided alwayes, That the parties procuring the Writ, ſhall give the party concerned againſt him, notice of the time and place, when and where the Commiſſioners intend to ſit, at leaſt ten dayes before the day appointed by the ſaid Commiſſioners, for putting it into Execution. And, Be it further Enacted, That the ſaid Commiſſioners, or any two of them, which take the ſaid Examinations, ſhall immediately ſubſcribe them, ſeal them and the Writ up, and return them with the Writ ſo ſealed up, to the Clerk of the *General-Court*, if the Writ iſſue from the Governour, or elſe to the Clerk of the *County-Court*, whence the Warrant iſſued by either of the ſaid Clerks, to be Read at the time of the Tryals of the Cauſe in either of the ſaid Courts.

XXX.

Penalties for non-appearance of Evidence.

BE it alſo Enacted, That the Penalties to be inſerted in *Subpæna's* to the *General-Courts* for Non-appearance of the Evidences ſummoned, be, One thouſand pounds of Tobacco; and for like default of the *County-Courts*, Three hundred and fifty pounds of Tobacco: And that all Witneſſes, ſummoned to give in their Evidences at either of the ſaid *Courts*, ſhall be allowed for their neceſſary time ſpent in coming and going to, and from, the ſaid *Courts*, Twenty pounds of Tobacco *per* day; and for the time they attend there, untill they have given in their Evidences, Forty pounds of Tobacco *per* day: And becauſe many malitiouſly, to aggravate the charge of the Suit, ſummon many more Witneſſes then are needful; Be it therefore further Enacted, That there ſhall not be allowed in any Bill of Coſts, the charge of above Three Witneſſes to any one Action, unleſs for proof of ſeveral Matters incident thereunto, which ſeverally may require the Atteſtation of Two Witneſſes.

XXXI.

County-Courts appointed.

BE it alſo Enacted, for the more due Adminiſtration of Juſtice in the ſeveral Counties, and the greater eaſe of the people, in obtaining the ſame, The Courts be continued in each County, as of long time hath been accuſtomed: And that the ſaid Courts do conſiſt of Eight of the moſt able, honeſt, and judicious perſons in the County; which Eight, or any four of them, whereof one to be alwayes of the *Quorum*, are to be impowred by Commiſſion from the Governour for the time being, to act according to the Laws of *England*, and of this Countrey; and to impower them ſeverally, and out of Court, to act and do all ſuch things as by the Laws of *England* are to be done by Juſtices of Peace there. And be it further Enacted, That theſe perſons, thus Commiſſionated, take the Oaths of Allegiance and Supremacy, and the Oath of a Juſtice of Peace; That they be called Juſtices of Peace: That the Courts be ſtyled *County-Courts*. And further, that the Juſtices do keep the ſaid Courts preciſely upon the dayes appointed by this and former Acts of Aſſembly *(viz.)*

Henrico the 1 day.
Charles-City the 3 day.
James-City the 6 day.
Iſle of Wight the 9 day.
Nanzemond the 12 day.
Lower-Norfolk the 15 day.
Elizabeth-City the 18 day.
Warwick-County the 21 day.
Yorke-County the 24 day.
Northampton the 28 day.
New-Kent the 28 day.
Glouceſter the 16 day.
Lancaſter the
Rappahanocke the
Surry the
Northumberland the
Weſtmerland the

And all Adjournments by all means poſſible be avoided: And that all the Juſtices of the ſaid Courts, reſpectively, ſhall duly attend the ſame, and ſhall not depart or abſent themſelves from thence without the licence and conſent of the reſt of the Juſtices there preſent. And if any of them ſhall happen to have a lawful cauſe of abſence, it is thought fit, that in ſuch caſes they ſhall, upon the firſt day of the Court, ſignifie the ſame to the Court by writing; and that they make good proof of the truth thereof at the next enſuing Court, or elſe, being Delinquent in the premiſes, every Juſtice ſo offending ſhall forfeit, for every time of his abſence, Three hundred pounds of Tobacco, to be impoſed by the Court, and diſpoſed of to the good of the County.

XXXII.

No Arreſt without Entry of Action.

BE it alſo Enacted, that all Actions to the *County-Courts*, and *Subpœna's* for Witneſſes, or in *Chancery*; be firſt entred with the Clerk of the County, or his known Deputy, before any Arreſt made or Summons ſerved, under penalty of Five hundred pounds of Tobacco, to be levyed upon the Sheriff that ſhall preſume to ſerve any Proceſs, contrary to the tenor hereof. And be it Enacted, That the Plaintiff in any Action, ſhall, at leaſt the day before the Court, enter his Bill of Complaint, and leave it in the Clerks hands, that the Defendant, if he will, may have a Copy thereof, and accordingly provide his Anſwer; but the Original Declaration or Bill to be alwayes filed in the Office.

XXXIII.

The Defendant to put in his Anſwer.

AND be it further Enacted, that for the better regulating and keeping the Records, and transferring the Preſidents to Poſterity; as alſo for prevention of new Suits, upon miſtake of the grounds of Orders, That as the Plaintiff both in *General-Courts*, and *County-Courts*, files his Declaration; ſo the Defendant, in both thoſe Courts, ſhall alſo put in his Anſwer in writing; and that the Judgment, if for the Plaintiff, be endorſed on the Declaration; if for the Defendant, on the Anſwer. And further, that all Evidences concerning that Cauſe, be filed together with them, and by the Clerk carefully preſerved.

XXXIV.

Form of Entring the Court.

BE it alſo Enacted, That the form for entring the ſtyle of the Court, Proclamation for ſilence, the Cryers calling the Plaintiff, and the Defendant, to Anſwer; be obſerved in the *County-Courts*, as well as in the *General-Courts*, varying only in the Title of the Court and the Aſſeſſors.

XXXV.

Court not to take Cognizance of any thing, under Two hundred pounds of Tobacco.

AND be it alſo Enacted, That the Court ſhall not take Cognizance of any Cauſe under the value of Two hundred pounds of Tobacco, or Twenty ſhillings ſterling: which a private Juſtice may, and is, hereby authorized and impowred to hear and determine. And whereas many vexatious perſons do very much trouble the Courts and their Neighbours, for brabling words, ſometimes paſſionately, but not malitiouſly, ſpoken: Be it therefore Enacted, That no Action be admitted for Defamation in any Court, where the words are not Actionable. And further, that there be no words Actionable, but ſuch as, if true, might have brought the perſon to ſuffer puniſhment by Law, any other to be caſt out of the Court, and the Plaintiff to be non-ſuited; not that liberty is hereby given, or intended, to any ſcurrilous perſon to abuſe others at his pleaſure, but that his Majeſties Courts be not, for ſuch brawles, forced to wave matters of greater conſequence. And becauſe Offences of this nature may be determined by a particular *Juſtice*, who is hereby impowred to bind the perſons ſo offending, to the good Behaviour; or, if they find not good Security for the ſame, to commit them to Priſon till they find it.

Action of Defamation.

XXXVI.

Private Courts prohibited.

WHereas many things are acted, and Adminiſtrations granted, at private Courts, which tend to the apparent dammage of divers of the Inhabitants of this Countrey: Be it therefore Enacted, That no Private-Courts be kept, but that all buſineſs, tryable or grantable by or at the County-Courts, be tryed and granted in open Court, at the times and places by Law appointed. Provided alwayes, that it ſhall and may be lawful, for the diſpatch of Merchants, and other Sea-affairs, which cannot, without much prejudice and detriment to the ſaid Merchants, or Maſters, be deferred till the Courts in courſe ſhould come; It is Enacted, That it ſhall be lawful for any Juſtice of the *Quorum*, by his Warrant directed to the Sheriff, to call a particular Court, and to ſummon any perſon or perſons before them.

XXXVII.

Tryals by Juryes.

WHereas the Seventieth Act made in 1642. and continued by the Ninety-firſt Act, 1657. ſeems to reſtrain both Plaintiff and Defendant from Trial by Juryes, unleſs the Plaintiff in his Declaration, or the Defendant upon Entry of his appearance, do deſire the ſame; which reſtriction is quite contrary to the Law of *England*, by which, the Tryal of all matters of Fact, is as appropriate and inherent in the Jury, as matter of Law is in the Judges: for which cauſe, and that we may in all our Tryals come as near as may be to the Laws of *England*, by which, we are to be governed as our preſent capacities will admit: Be it enacted, That, every Morning the Court ſits, whether the General or County-Courts, the Sheriff of the County in which it ſits, ſhall impannel a Jury to attend the Court that day, to try ſuch Cauſes, as the Court ſhall find proper to be referred to them; and that whenever a Jury is ſent out, an Officer ſworn to that purpoſe ſhall keep them from meat and drink, until they have agreed on their Verdict.

XXXVIII.

Grand-Juryes to preſent Offenders.

WHereas the ſeveral Laws conſtituted and made for the redreſs of ſeveral Miſdemeanors and Offences, either through the remiſneſs of the *County-Courts*, or the Juſtices that keep the ſame, or elſe through the defect of the Laws, in not appointing ſome peculiar Officers to look narrowly after the Offenders, and to make preſentment thereof to the ſaid Juſtices at their *County-Courts*; by which means, the Laws themſelves are ſlighted and contemned, and become wholly uſeleſs and ineffectual: Be it therefore enacted and confirmed, That Juryes of Inqueſt, be impanelled and ſworn in every County, to enquire of the breach of all Penal Laws in their ſeveral Counties; and that they make preſentment thereof to the ſeveral *County-Courts* twice yearly (*viz.*) in *April-Court*, and *December-Court*, when the Juſtices are to receive them, and find them according to Law, and to take for evidence the preſentment of the Jury, if made upon the certain knowledge of any of them; or otherwiſe, the Parties that inform the Jury to give their Evidence to the next Juſtice, in preſence of the Party preſented; which Depoſition being produced by the Jury with their Preſentment, ſhall be

ſufficient ground for the Court to paſs Judgment againſt the Offenders.

XXXIX.

Pillories to be erected at each Court.

WHereas many Offences are puniſhable by the Laws of *England*, and of this Country, with Corporal Puniſhments; for executing whereof, no ſuch Proviſion hath been made, as the ſaid Laws require: Be it therefore enacted, that in every County, the *Court* cauſe to be ſet up a Pillory, a pair of Stocks, a Whipping-Poſt neer the *Court-Houſe*, and a Ducking-Stool in ſuch place, as they ſhall think convenient, that ſuch Offenders as by the Laws are to ſuffer by any of them, may be puniſhed according to their demerits: and the Court not cauſing the ſaid Pillory, Whipping-Poſt, Stocks, and Ducking-Stool, to be erected within ſix Months after the Date of this Act, ſhall be fined Five Thouſand Pounds of Tobacco to the uſe of the Publick.

XL.

Fines to be diſpoſed of by the Aſſembly.

WHereas divers Treſpaſſes againſt the Publick, are puniſhable by Fines, which are by the preſent Law to be diſpoſed of to the uſe of the Counties in which the Treſpaſs is committed, and yet nothing done for the good of any County, as was intended; whereby it may be preſumed, that the ſaid Fines are either not gathered, whereby the Treſpaſſers by this lenity and impunity, are encouraged to perſiſt in their Contempts of the Laws; or elſe the ſaid Fines are by ſome evil Commonwealths-men perverted to their private uſes: For prevention whereof, for the future; Be it enacted, That the Courts ſhall only lay and collect the Fines; and that they cauſe the Clerk of their reſpective Courts, to keep an Account thereof, and to return the Eſtreatments to the Clerk of the Aſſembly at *James-City*, by the Third of the *General Court* held there in *March* yearly.

And it is further enacted, that the ſaid Clerk of the Aſſembly, do annually attend accordingly, during the time at the place aforeſaid, to receive them; and at the next Aſſembly to preſent them to the Burgeſſes, who are to order the diſpoſal of the ſaid Fines, as to them ſhall ſeem moſt neceſſary for the good and benefit of the ſeveral reſpective Counties wherein they accrewed due, always proportioning to every County the uſe of all the Fines, which were levied therein.

XLI. Su-

XLI.

Superſedeas *by whom, and how grantable.*

WHereas the Writ of *Superſedeas* hath of late been too frequently granted upon ſlight pretences of errour in the Court, thereby not only injuriouſly delaying Juſtice, and keeping men from their Juſt Dues, but alſo bringing Calumnies and Aſperſions upon the Courts themſelves: Be it therefore enacted, That no *Superſedeas* whatſoever, ſhall hereafter be granted but by the Governour, and two of the Council; nor by them, unleſs the Party deſiring it, make it probably appear to them, that there is Error in the Judgement; and ſhall then alſo give good ſecurity to make good his Plea; and, if he be caſt at the next *General-Court*, to pay the Principal with Five and Twenty *per Cent.* Damages, beſides Coſts.

XLII.

Priſons to be built in each County.

WHereas the Firſt Act of the Aſſembly held at *James*-City, the third of *November*, 1647. and continued by the Aſſembly held there, the Third of *March*, 1657. for prevention of eſcapes for Priſoners, hath enacted, That ſufficient Priſons ſhould be built in each County; and that an Houſe built after the form of a *Virginia*-Houſe (our abilities not extending to build ſtronger) ſhould be accounted a ſufficient Priſon; and that any Perſon being a Priſoner for Debt or Crime, and breaking one of thoſe Priſons, ſhould be proceeded againſt as a Felon; and that neither *Court*, Commiſſioner, nor Sheriff ſhould be anſwerable for ſuch eſcape. And whereas the Sixty firſt Act of the Aſſembly, held at *James*-City, the ſaid Thirteenth of *March*, 1657. makes the ſeveral Counties not building ſuch Priſons, lyable to the Sheriff, for the Eſcape of any Perſon committed to his Cuſtody; which Acts have for want of a Penalty, never been put in Execution: for want whereof, Felons may eſcape; and Debtors for want of due Reſtraint, delay alwayes, and defraud oftentimes, the Creditor of his Juſt Dues; and by means thereof, the Law it ſelf made wholly void: which intended principally, that all men ſhould by that Reſtraint have been forced to make a ſpeedier Satisfaction. For remedy whereof, be it hereby enacted, That according to the ſaid Acts, a good ſtrong Priſon after the Form of *Virginia*-Houſes, be builded within Eight Months after the Date of this Act by the Court at the charge of the County, upon Penalty of

being fined Five Thouſand Pound of Tobacco, and be anſwerable for eſcapes as aforeſaid; and, that the perſon breaking Priſon, ſhall according to the ſaid Act of the 3d of *Novemb.* 1647. be adjudged a Felon; and, that no Perſon under Execution for Debt, or impriſoned for Felony, ſhall have the benefit of the Rules; and all other perſons having the benefit of the Rules, ſhall be ſecured, and lye in Priſon every night at the peril of the Sheriff.

XLIII.

Dwellers within the Rules of any Priſon not to have any benefit thereof.

AND be it Enacted, That if the Sheriff ſhall permit any perſon dwelling within the Rules of any priſon, that is by Warrant, or Order of Law committed to Priſon, to walk abroad out of Priſon, though with a Keeper, and to have the benefit of the Rules, or to lodge in his own Houſe, the ſaid Sheriff upon proof thereof made at the *County-Court* by the Plaintiff, ſhall be ordered to pay the Debt, as in caſe of Eſcapes.

XLIV.

Sheriffe to be choſen in the Commiſſion.

FOraſmuch as the Commiſſioners of *County-Courts*, are by the Laws of this Countrey anſwerable for the Levies and Eſtreatments of each County, of which the Sheriff is uſually the Collectors: Be it therefore Enacted, that none but one of the Commiſſioners of each County ſhall be Sheriff for that County, and further, that the Commiſſioners ſhall exerciſe the Office of Sheriff ſucceſſively as they hold their places in Commiſſion every one a whole year, and no longer; Provided, That every ſuch Commiſſioner, before he be admitted to take his Oath, give in good ſecurity for the due execution of his Office and performance of the truſt committed to him, and then his Oath be adminiſtred unto him. And be it further Enacted, That no Under-Sheriff ſhall execute the Office of Under-Sheriff in the ſame County above one year: Provided alwayes, That the Sheriffs of *James*-City, who are more immediate Officers then any other to the *General-Courts*, and the Publique ſhall be left to the Governour's free choice: And further, That, if the Governour ſee cauſe for the better promoting any of his Majeſties eſpecial ſervices, it ſhall be left to his diſcretion to paſs by any perſon in any other

other Commiſſion and to give the place to thoſe in the Commiſſion he ſhall think moſt meet, to ſupply the exigent of the preſent occaſions. But becauſe the Laws, as well of *England* as of this Countrey, prohibit the executing the Office of Sheriff by any perſon two years together, the Governour is earneſtly deſired by the Aſſembly in any of his Elections not to infringe thoſe Laws.

XLV.

Sheriffs not making Return.

WHereas the Sheriffs, often through neglect, often for favour to the Debtors, omit the ſerving the Proceſs to them directed, and making Returns thereof according to Law; by means whereof the Courts are prolonged, Juſtice is delayed, and the parties by their attendance and expences very much endammaged: Be it therefore Enacted, That every Sheriff failing to make ſufficient Return (that is, that the Writ is executed, and the Name of the Bail taken, of any Warrant to him directed three dayes at leaſt before the day of the Return of the Writ in the *General-Court*, and two dayes before the *County-Courts* (ſhall be amerced One thouſand pounds of Tobacco; one half to the Plaintiff if he ſue for it, and the other half to the County; Provided, That the ſaid Plaintiff prove the delivery of the Warrant to the Sheriff.

XLVI.

Sheriffs to take Bail.

BE it alſo Enacted, That all Sheriffs ſhall take ſufficient Bail of all perſons arreſted, and perform the award of the Court, and, if the Sheriffs ſhall neglect to take ſufficient Bail of the party arreſted, or otherwiſe conſent to be the cauſe of his eſcape, then the ſaid Sheriffe ſhall be lyable to pay the award of the Court himſelf, and ſhall alſo pay, in caſe the conſent to the eſcape be proved, One thouſand pounds of Tobacco, one half to the Publique, the other half to the party grieved, for his delay in recovering the debt; but if Bail be taken, and the party appear not to anſwer the ſuit, then Judgment ſhall be awarded againſt the Bail: Alwayes Provided, That the Sheriff or Bail, ſhall, if they deſire it, have an Attachment againſt the Eſtate of the party arreſted, and not appearing. And further, that if the Sheriff or Bail ſhall not the next Court after that to which the Arreſt was made, bring forth the body of the Party ſo arreſted to anſwer the Suit, then the Sheriff or Bail, ſhall be acquitted, for the Judgment paſſed againſt them.

XLVII.

Non eſt Inventus.

BE it alſo Enacted, That if any Sheriff ſhall return a *Non eſt Inventus*, upon which an Attachment by a former Act, hath been uſally granted, when perhaps neither the Sheriff nor his Officer have been at the Houſes of the Defendants to the great damage and diſparagement of the ſaid Defendant, by having his Goods Attached: Be it therefore Enacted, That henceforth, the Sheriff or his Officer, ſhall declare, upon one of their Oaths, that he hath been at the Houſe of the Defendant, and hath there left a Copy of his Writ, before his return of *Non eſt Inventus* be admitted; and if he ſhall refuſe to make ſuch Oath then Order to paſs againſt him, according to the Act for Non-returns, but if the return be proved, and allowed in Court, then after thrice ſummoning the defendant by Proclamation in Court, an Attachment ſhall iſſue againſt his Eſtate returnable, the Court following; where, if the Defendant appear; not, to replevin the Attachment, Judgment ſhall be granted to the Plaintiff for his Debt, being made evidently appear to the Court that it is juſtly due to him.

XLVIII.

Appriſement of Goods.

BE it Enacted for the Equal Appriſement of Goods ſeized by Execution, That the Plaintiff and Defendant ſhall chuſe each of them two indifferent men for that purpoſe; and in caſe of diſagreement, the ſaid four, or any three of them, ſhall chuſe an Umpire; which Umpire ſo choſen ſhall be ſworn by the next Commiſſioner to appriſe ſuch Goods indifferently, and his Umpirage to be final. And be it further Enacted, That if Plaintiff or Defendant ſhall neglect to appoint Apprizers within three days after Execution is ſerved, notice being given them by the Sheriff to whom the Execution was directed, that then the Sheriff in ſuch caſe of neglect ſhall chuſe and appoint Apprizers either for the Plaintiff or Defendant, for apprizing the Goods by him ſeized upon Execution as aforeſaid. And be it further Enacted, That before ſuch Apprizement, the Sheriff ſhall not remove the Goods out of the poſſeſſion of the Plaintiff, and the ſurplusage, if any, be returned to him, but after Apprizement made as aforeſaid, the property to veſt in the Sheriff for the uſe of the Creditor to whom the Sheriff ſhall give notice, that he may take

take them into his own poſſeſſion; and, becauſe there can be no Averment againſt a Record, It is further Enacted, That the Sheriff make return of the Execution to that Clerk of the County that granted it by him to be entred upon Record, under the Order it was iſſued upon, that ſo the Satisfaction aſwell as the Judgment may be authentiquely proved, if occaſion require.

Whereas the Act for the Relief of poor Priſoners, hath, contrary to the intent thereof been extended to men of all capacities, and by that means an inconſiderable part of their Eſtates, or at leaſt unprofitable to him whoſe dependance is Tobacco, according to his agreement forced for ſatisfaction: Be it therefore Enacted, That henceforth, every Debtor under Execution for Debt ſhall be detained in Priſon, until he have paid the debt in kind, but that real poor men laid under Execution for a Debt under One Thouſand pounds of Tobacco, ſhall ſtill have liberty, by part of their Eſtate by ſome Juſtice of the County indifferently aſſigned, and by Apprizers ſummoned by the Sheriff, and ſworn equally to apprize the ſaid Eſtate, ſhall make payment thereof to their Creditor, and redeem their perſons.

XLIX.

No Commiſſioner, Clerk, or Sheriff, to be Attorneys in the Court where they officiate.

BE it Enacted, That neither Sheriff, Commiſſioner, Under-Sheriff, or Clerk of any Court within this Colony ſhall be permitted to plead as an Attorney in any perſons behalf in the Court wherein he Officiates, and the ſaid Commiſſioner, Sheriff, Under-Sheriff, or Clerk, offending herein, ſhall for every default be fined One thouſand pounds of Tobacco to the uſe of the County. Provided alwayes, That if any poor perſon not able to plead his own cauſe, ſhall requeſt the Court to Aſſign him one of the Commiſſioners to plead for him, it ſhall be lawful for the Court to grant it, and for the Commiſſioner to plead accordingly, but the Counſellor, Commiſsioner, &c. ſo pleading the poor man's cauſe not to give Judgment therein. Provided alſo, That any Commiſſioner-Sheriff, Under-Sheriff, or Clerk acting as General Attorney for any perſons, abſent out of the Countrey or County and Negotiating their affairs, and ſo lyable to be ſued for their imployers, ſuch perſons notwithſtanding this Act ſhall have liberty alſo to plead and proſecute in any Cauſe that ſhall any way concern their ſaid Imployers.

L.

Publication of Writs for Election of Burgeſſes.

WHereas frequent Complaints are made by the people, that they have no notice of the time appointed for the Election of Burgeſſes, and by that means are deprived of giving their voices in the Election of their own Repreſentatives: Be it Enacted, henceforward That the Sheriffs of the reſpective Counties, ſhall, upon the Receipt of the Writs, cauſe Copies thereof, with the day appointed for the Election endorſed, to be ſent to the Miniſter or Reader of every Pariſh in their County, who is to read the ſame to the People two Sundayes ſucceſſively, both in the Church and Chappel of Eaſe to it belonging, to the end that no perſon may pretend ignorance; and return the ſame to the Sheriff, with his Atteſtation ſubſcribed, that he hath publiſhed the ſame according to the tenor of this Act; which Atteſtation ſhall be ſufficient to diſcharge the Sheriff from blame: But if the Sheriff neglect to ſend Copies, as aforeſaid, then to be fined Two thouſand pounds of Tobacco, to the uſe of the County. And every Freeman, after ſuch publication made, neglecting to come and give his Vote at the day appointed for Election, ſhall be amerced Two hundred pounds of Tobacco, to the uſe of the County. And be it further Enacted, That if the Sheriff ſhall not, before the day of the Return, make his due Return of the Writ, with the names of the Burgeſſes endorſed, into the Secretaries Office at *James-City*, the ſaid Sheriff ſo neglecting, ſhall be fined Two thouſand pounds of Tobacco to the publique.

LI.

Publique Levies to be firſt paid.

BE it alſo Enacted, That no Sheriff ſhall, where he receives Tobacco of any perſon indebted for his Levyes, and alſo for Fees, and other debts due to himſelf, or any other Officers, and not paying the whole in kind, by which means, for part thereof diſtreſs muſt be made, ſhall preſume to convert the Tobacco in kind, to his own or any others uſe; and force the Countrey-Creditour to accept of the diſtreſs, or ſtay for his debt. But that all debts due to the Publique be firſt paid, and the Tobacco in kind paid to the Creditour of the Publique, whoſe Reputation is, by theſe Evaſions, often vilified; and that the Sheriff making default herein, ſhall be fined Ten thouſand pounds of Tobacco to the uſe of the Publique, upon proof thereof made in any Court of Record in this Countrey.

LII. *The*

LII.

The Sheriff, upon the inſtance of the Treaſurer, or his Deputy, to Collect the Quit-Rents.

AND be it further Enacted, That the Sheriff, being his Majeſties immediate Officer, ſhall, upon the inſtance of his Majeſties Treaſurer, or his Deputy here, be compelled to receive all ſuch Quit-Rents as the ſaid Treaſurer, or his Deputy, ſhall give him order to receive in his County; and that the ſaid Quit-Rents be paid, as the Levies, in the direct *ſpecie* of Tobacco, or Money; and that no particular Fees or Debts be preferred before them, under like penalty as for the payment of other Debts before the Levies.

LIII.

Liſt of Tithables how to be taken.

WHereas the fraud of Sheriffs in bringing in the Liſts of the Tithables, hath very much augmented the Taxes of the Countrey: Be it Enacted, That for the better diſcovery of the number of Tithables, each County ſhall be divided into ſeveral Precincts, in each of which, a Commiſſioner ſhall be by the Court appointed to take a Liſt of the Tithables, to be brought or ſent in under the hand of the Maſter of every Family, of the names and number of Tithables, he hath in his Family; and if he bring in a falſe Liſt, the ſaid Maſter ſhall pay treble duties for every perſon ſo by him concealed. And be it further Enacted, That the ſaid Commiſſioner give publique notice, in Writing, to be read and ſet up at the dore of the Church or Chappel of Eaſe, of the Precincts he is to take accompt of, and of the day he will receive them. Provided, the day be before the Tenth of *June* at fartheſt; at which time every perſon neglecting to bring in his Liſt, as aforeſaid, ſhall be adjudged a Concealer, and pay accordingly; and every Commiſſioner failing in giving notice, neglecting to take the Liſt, conniving at others concealment, or not giving a true Liſt of his own Tithables, ſhall alſo pay treble duties, as aforeſaid. And be it further Enacted, That every Commiſſioner in *Auguſt-Court* following, ſhall deliver the Accompt, ſo taken by him, and the Subſcriptions of the ſeveral Maſters of Families, to the Clerk of the *County-Court*, who ſhall return an exact Liſt of the Families to the Clerk of the *Aſſembly*, the firſt or ſecond day of every *September-General-Court*.

LIV.

What persons are Tithable.

WHereas several Disputes have been made of what persons were Tithable; It is hereby enacted and declared That all Male persons of what age soever, imported into this Country, shall be brought into the Lists, and be lyable to the payment of all Taxes. And all *Negro's*, Male or Female being imported, shall be accompted Tithable. And all *Indian*-servants, Male or Female, however procured, being adjudged sixteen years of age, shall be likewise Tithable. From which none shall be exempted but such Christians only, as are either Natives of this Countrey, or are imported free by their Parents, or others; who shall not be liable to the payment of Levies, untill they be sixteen years of age; or such others, as by particular Acts of Assemby are exempted.

LV.

Counsellors and ten persons, to be exempted out of the Levy.

BE it Enacted, That each Councellour of State, for this Countrey, shall be freely exempted from all Publique Charges and Taxes, for themselves and ten of their Family; the Ministers and Church-duties excepted. And further, that all Ministers officiating in any Cure of this Country, shall, for their attendance on the *General-Courts*, and *Assemblies*, be exempted themselves, and six of their Family, from paying any Publique Taxes. And further, that all persons that came into this Countrey, at the last coming in of Sir *Thomas Yates*, shall have their own persons exempted from paying of any Publique Taxes, Church-duties excepted; and also from their personal service in the Warrs.

LVI.

Artificers not planting Tobacco, freed from payment of the Levy.

AND whereas all persons, Artificers and others, are forced to neglect their Trades, and to plant Tobacco meerly for the payment of their Levies: Be it Enacted, That what Artificer or Handicrafts-man soever will imploy himself and Servants only about their Trades, and not plant any Tobacco at all; every such Artificer and Handi-

Handicrafts-man ſo following his Trade, and not planting Tobacco, either by himſelf or ſervants, ſhall for his encouragement be exempted from paying any Levies, either for himſelf or ſervants, for the term of three years, except it be for the Miniſters dues, and Church duties. Provided alwayes, that if any perſon claiming the benefit of this Act, ſhall directly or indirectly, at home or abroad, plant or tend, or cauſe to be planted or tended, any Tobacco, contrary to the intent of this Act; or hire out his ſervant or ſervants, to others to plant or tend Tobacco, he ſhall be cenſured to pay double Levies for himſelf and all his Tithables, to the uſe of the County.

LVII.

Counſellours to raiſe a Levy.

WHereas the neceſſary charge of the Country doth enforce the raiſing of an Annual-Levy, which being commonly done by an Aſſembly, the charge of which doth moſt times equal, if not exceed, all other Taxes of the Country: Be it therefore Enacted, That the Governour and Councel in *September* 1662. ſhall have power to raiſe and proportion a Levy, to defray the Country debts and Salaries, allowed by the Aſſembly; and ſuch other Debts alſo as they ſhall find juſtly and neceſſarily due, according to the number of Tithables: Provided, the whole amount not to more then Twenty pounds of Tobacco *per poll*. And this Act to continue for three years, unleſs ſome urgent occaſion preſent in the mean time, of calling an Aſſembly. And that the Levy may be truly proportioned; Be it enacted further, That every Clerk of a *County-Court*, tranſmit the Certificate of the number of Tithables in his County, to the Secretaries Office, in every *September-Court*.

LVIII.

No Arreſts to be made on the Sabbath-dayes.

WHereas it hath been the frequent practice of Sheriffs, and their Officers, for their own eaſe and benefit, to repair to the Churches, and other places of Publique meetings, on purpoſe to ſerve Warrants, and Executions, and other Writs; by which means, men in danger of Arreſts have been deterred from the ſervice of God and the King: Be it Enacted, That no Sheriff, nor his Officer, ſhall from henceforth execute any Writ or Warrant upon any perſon or perſons either upon the Sabbath-day, or upon the day of Humiliation for the death of the late King of bleſſed memory, or upon

the dayes appointed for thankſgiving for his Majeſtie's happy Inauguration, and for the Deliverances of this Countrey from the two Bloudy Maſſacres, nor at the times of General Muſters, or Election of Burgeſſes. Provided alwayes, that it ſhall and may be lawful for the Sheriff, or any other Officer, to apprehend and carry to Priſon any perſon or perſons for Riots, Felony, or ſuſpition of Felony, or eſcape out of Priſon when under Execution, upon any day, at any place, any thing in this Act to the contrary notwithſtanding.

LIX.

Reward for killing of Wolves.

WHereas great complaint is made of the frequent and many injuries done by *Wolves* to the Cattel and Hogs, of ſeveral Inhabitants of this Countrey: It is therefore Enacted, for the encouragement of thoſe that will make it their buſineſs to kill and deſtroy them, that they ſhall be paid by the County, in which they are killed; for every Woolf deſtroyed, by Pit, Trap, or otherwiſe, Two hundred pounds of Tobacco. Provided, he make proof before the next Commiſſioner, how the Woolf was killed, and bring in his head, and take from the ſaid Commiſſioner a Certificate thereof; which being produced to the Court, when they are proportioning the Levy, ſhall be ſufficient to have the ſaid Reward raiſed upon the County, and to be paid to ſuch perſons as it is juſtly due.

LX.

Commiſſioners to take Security of Sheriffs.

BE it alſo Enacted, That the Commiſſioners of every County ſhall be anſwerable to the Publique, for all Levies laid upon their County by Act of *Aſſembly*; and, for the Sheriffs performance of his place, and in regard thereof, are hereby impowred, before the admiſſion of any Sheriff into his Office, to take ſuch ſecurity of him as they ſhall think fit and ſufficient to ſave themſelves harmeleſs, for the Receiving and Diſcharging all Publique Duties, whether Quit-Rents, Levies, or Officers Fees, committed to his charge of Collection, and for the due performance of his Office. Provided, that no Commiſſioner ſhall be liable, but ſuch as were of the Commiſſion when the Defect was made.

LXI.

Judgement before Commiſsioners.

BE it enacted, That the voluntary confeſſion and acknowledgement of a Debt by the Debtor, under his Hand and Seal, before two Commiſſioners, of which one of the *Quorum*, ſhall be accounted in Law, in the Nature of a Judgment; the ſaid Commiſſioners atteſting the ſame under their Hands, and ſo certifying it to the Clerk of the *County-Court*, to enter it upon Record; upon which Writing ſo acknowledged, atteſted, and Recorded, Execution ſhall iſſue, in caſe, the Debt be not paid, as if Judgment had been granted for the ſame in open Court. Provided, that if no Execution iſſue within a year after ſuch acknowledgment, then a *Scire facias* ſhall iſſue, before any Writ of Execution ſhall iſſue forth.

LXII.

Perſons removing into the Bay.

FOr avoiding of Creditor's Charges, and Troubles, in recovering their Debts by reaſon of divers Perſons removing themſelves from the places where they contracted their Debts, into remote Counties: Be it enacted, That no Perſon whatſoever ſhall remove out of the County where he dwells, unleſs he firſt ſet up his Name at the door of the Pariſh-Church or Chappel where he dwells, three Sundays together; and in the ſame, expreſs his intent of leaving the County, and certifie the place he is about to remove to; and take Certificate thereof from the Miniſter or Reader of the ſaid Church or Chappel, and the Church-wardens of the Pariſh, to the Clerk of the *County-Court*, who ſhall grant him thereupon a Licenſe to depart. Provided alwayes, That if the ſaid Perſon ſo removing, pay not his Debts contracted, before his removing; according to the Tenor of the Specialties, by which they are due; It ſhall be lawful for any of his Creditors, by a Warrant from the Secretaries Office, to bring the Debtor perſonally before the Governour, or any of the Council, for what value ſoever the Debt be of; and there put in ſufficient Security for performance of his Obligation, according to the Tenor thereof, in caſe the Day of payment be not paſt (any Reſtriction in any other Act to the contrary, notwithſtanding) and then to take out Execution againſt his Body, or Eſtate, for ſatisfaction of the ſaid Debt.

And be it further enacted, That if any Perſon or Perſons ſhall be-

fore, or after Certificate obtained as aforeſaid, remove or tranſport any Cattel out of the County he dwelled in, without notice given to four of the neareſt Inhabitants, (who are hereby required to take eſpecial notice of the Ear-Mark and Colour of the Cattel to be removed, and make a Liſt of them and their Marks, and carry the ſame, ſubſcribed by the ſaid Viewers, to the Clerk of the *County-Court*, to be Recorded); he ſhall, upon lawful conviction, forfeit for every Beaſt, tranſported contrary to the Tenor of this Act, One Thouſand Pounds of Tobacco, one half to the Publick, and the other half to him that ſhall make the Complaint againſt the Party ſo offending. And if any Merchant, Mariner, or any other Perſon whatſoever, ſhall tranſport any Perſon or Perſons out of his County without Certificate as aforeſaid, the ſaid Merchant, Mariner, or other perſon, ſo offending, ſhall be lyable to the payment of all the Debts and Engagements of the Party tranſported, being due at the time of his Removal.

LXIII.

Engliſh Weights and Meaſures.

WHereas daily Experience ſheweth, that much fraud and deceit is practiſed in this Colony by falſe Weights and Meaſures; for prevention thereof, Be it enacted, that no Inhabitant or Trader hither, ſhall buy, or ſell, or otherwiſe make uſe of, in Trading, any other Weights or Meaſures, then are uſed and made according to the Statute of in that caſe provided. And for diſcovery of Abuſes, Be it further enacted, That the Commiſſioners of every County, do provide at the Charge of the County, ſealed Weights of Half-hundreds, Quarterns, Half-Quarterns, Seven pounds, Four pounds, Two pounds, One pound; Meaſures of Ell and Yard; of Buſhel, Half-Buſhel, Peck and Gallon of *Wincheſter*-Meaſure; Gallon, Pottle, Quart, Pint, of Wine-Meaſure out of *England*; and that the ſaid Weights and Meaſures be kept by the Firſt of every Commiſſion at his houſe, and with them a burnt-Mark of and a Stamp for leaden Weights, and Pewter-Pots; whither all Perſons not uſing Weights or Meaſures brought out of *England*, and ſealed there, ſhall bring all their Barrels (which are to contain five Buſhels) and other Meaſures to be ſealed, and their Stilhars to be tryed; and all Perſons ſelling by other Weights or Meaſures not ſealed, and tryed as aforeſaid, ſhall forfeit One Thouſand Pounds of Tobacco, one half to the Publick, the other half to the Party that ſhall make his Complaint; and if the the Commiſſioners ſhall make default of producing ſuch Weights, Meaſures, Scales, and Stamps, as by this Act they are enjoyned by the

the first of *December*, 1663. the said Commissioners shall be fined five thousand pounds of Tobacco, to the use of the Publick.

LXIV.

County-Courts to grant Probates and Administrations.

BE it enacted, that the *County-Courts* shall be impowred to grant Probates of Wills, and Administrations upon the Estates of Persons dying intestate, to take Security, and receive the Inventories of the said Estates: Provided, That the Clerk of the *County-Court*, when he sends or carries the said Probates, or Commissions of Administration to be Signed, do then also certifie into the Secretaries-Office, the name of the Testator, or the Party deceased, the Executors or Administrators, and their Security, the County and Parish where they dwell, and the *Court* wherein the Administration is granted; to the end that Strangers and other Creditors invested in the Estate, may be the better enabled to find out the Records, in which the Account of the Estate is entred, and be informed, how they may come to their just Dues.

LXV.

Administrations to whom to be granted.

WHereas Commissioners of Administration are suddenly obtained, and the Estate as suddenly disposed of, under the pretence of greatest Creditor, or next of kin, whereby oftentimes they that really are so, are the one defrauded of his just Debt, and the other debarred of his Right and Interest, before either can have notice of the Partie's Decease: Be it therefore enacted, That no Administration be granted, until Nine Months after the Partie's Decease; except to the Widdow or Child, and then to be immediately granted; the said Widdow or Child bringing in sufficient Security for performing all things the Law requires, and saving the *Court* harmless. And be it further enacted, that, in case the said Widdow or Child do administer, the Estate shall be inventoried, and apprizement made by four men appointed by the *Court*, and sworn by a Justice of that *Court*, as formerly; which Inventory and Apprizement shall by the said Widdow or Child, be brought into the next *Court*, held in that County; unless the *Court* for Reasons shewed them, may think fit to grant Liberty to bring it in the *Court* following. But in case, the Decedent die without Widdow or Child, then it is enacted, That the estate for the better improvement thereof, be sold by the *Court* at an Outcry,

and the Purchaſers all putting in ſecurity, and acknowledging Judgments for their Debts, which by the Court ſhall be aſſigned to the ſeveral Creditors of the Decedent, and paid according to the Priority in Law: and the ſurpluſage remaining (if any) to be delivered to the next Kinſman of the Decedent, if he appears; or, if none prove himſelf ſuch within three years, then the Court to give an Accompt of the ſaid ſurpluſage to the Aſſembly who are to diſpoſe of the ſame to the uſe of the County; allowing to the Court, or whom they intruſt for the managing of it, for his reaſonable coſts and pains.

And, when the Widdow or Child Adminiſters, the Surpluſage (after Debts paid, and the funeral charge according to the quality of the perſon allowed for) ſhall be equally divided between the Widdow and Children (*viz.*) one full third of the perſonal Eſtate to the Widdow, and the other two Thirds among the Children: if any of which dye before it come to age, his proportion to be devided among the ſurviving Children.

And whereas, It hath been the frequent evil practice of Adminiſtrators, aſſoon as they have obtained an Order to Adminiſter, to Act as Adminiſtrators by vertue of that Order, without giving ſecurity, or taking out their Commiſſions, ſo that, the Eſtate being imbezelled away, no Accompt can be given thereof. Be it therefore Enacted, That who ever pretends to Adminiſter upon any Eſtate, ſhall bring to the Court ſufficient ſecurity before the Order ſhall be granted: and an Order thus obtained legally, by giving ſuch ſecurity to be truly accomptable to bring in a true Inventory, and to perform ſuch things as the Adminiſtrators by Law are enjoyned, ſhall not at any time after be reverſed, unleſs the party that obtained the ſame dye before he hath given an Accompt of the Eſtate, and obtained his *Quietus*. In which caſe, the Court is impowred to grant the Adminiſtration of that Eſtate, ſo not accompted for to ſome other perſon, who may by vertue thereof call his Heirs, Executors, or Adminiſtrators of the former Adminiſtrators to Accompt, who ſhall pay out of the ſaid deceaſed Admiſtrators Eſtate, all ſuch debts as ſhall be found due to the Eſtate he Adminiſtred upon in the firſt place.

LXVI.

Concerning Orphans.

COncerning Orphans Eſtates be it enacted, That all Wills and Teſtaments be firm and inviolable, unleſs the Executors, or Overſeers, do refuſe to execute the Truſt repoſed in them by the Teſtator. In which caſe, the Court may appoint others to Act according to the Will; but, if the ſaid Will be ſo made, that no perſon will under-

undertake the managing of the Eſtate or Education of the Orphans, according to the Tenour of it; then that the Eſtate by the appointment of the Court ſhall be managed according to the Rules ſet down for the ordering the eſtate of perſons Inteſtate, as followeth;

Firſt, That no Accompt be allowed for Dyet, Clothes, Phyſick, or elſe, againſt any Orphans Eſtate; but they to be Educated and provided for, by the intereſt of the Eſtate and Increaſe of their Stock according to the Proportion of their Eſtates, if it will bear it. But, if the Eſtate be ſo mean and inconſiderable, that it will not extend to a free Education; Then it is Enacted, That ſuch Orphans ſhall be bound Apprentices to ſome Handi-craft Trade, until one and Twenty years of age except ſome Kinſman or Relation will maintain them for the Intereſt of the ſmall Eſtate they have, without diminution of the principal, which whether great or ſmall, alwayes to be delivered to the Orphan at the years appointed by Law.

That all Cattel, Horſes, and Sheep, be returned in kind by the Guardian according to Age and Number, when as he received them. And, becauſe ſeveral had, before the firſt making of this Act, Eſtates of Orphans, in their hands which they kept for the Male-increaſe and giving the yearly Accompt of the Augmentation or Diminution of the Orphans Stock (which by the careleſneſs or wickedneſs of the Guardians was uſually conſumed before they came to age, and diſputes thereupon ariſe in the ſeveral Courts, how ſuch perſons ſhould be proceeded with, and Accompts of Orphans Eſtates, how to be given them. It is hereby declared, That all perſons poſſeſſed of Orphans Stocks before the firſt making this Act, ſhall be bound to deliver to the Orphan when he comes to age, ſuch and ſo many of any kind as he was poſſeſt of, when he gave his Accompt to the next Orphans Court ſucceeding the publication thereof.

That all Plate and Money be preſerved and delivered in kind, according to the weight and quantity; that other Houſhold-ſtuff and Lumber be apprized in Money and the value thereof paid by the Guardian to the Orphan when he comes to age in the Countrey. Commodities at the price Currant, as it ſhall be worth at the time in the place where the Orphan Eſtate is managed.

That the Court take able and ſufficient ſecurity for Orphans Eſtates, and enquire yearly of the ſecurity; and, if the Court ſee cauſe, to have it changed, and called in and placed as the Court ſhall think fit: the ſaid Court to enquire alſo, whether Orphans be kept, maintained, and educated according to their Eſtates, and if they find any notorious defect to remove the Orphans to other Guardians. And alſo for thoſe that are bound Apprentices, to change their Maſters if they uſe them rigorouſly, or neglect to teach them their Trades.

That no more be allowed to Guardians for Collecting of Debts due to any Eſtate then ten in the hundred, the uſual allowance of Merchants to their Factors and Attorneys.

That Thirty pounds of Tobacco *per* day be allowed to each Apprizer for Apprizement of any Eſtate (if they will take it) and no more.

That no allowance be made by the Court of Exceſſive Funeral expences, but that a Regulation thereof be made according to the Proportion of the Eſtate, and the Quality of the Perſon.

LXVII.

Orphans-Land not to be aliened.

BE it alſo Enacted for the future benefit of al Orphans, That the ſeveral *County-Courts*, do take into their ſerious conſideration and care, that the Lands in their County belonging to any Orphan, be not aliened, ſold, or taken up as deſerted Land, by any perſons during the minority of the Orphan; and that the Guards or Overſeers of any Orphan do not lett, ſet, or Farm out any Land belonging to any Orphan, for longer Tearm than until the Orphan be of age; and that an eſpecial care be had, that the Tenant ſhall improve the Plantation, by planting an Orchard and building a good Houſe, and that the Tenant be bound to maintain good Fence about the Orchard, and keep the Houſe in ſufficient repair, and leave it Tenantable at his ſurrender; and that Proviſion be made in the Leaſe for preventing all Waſt of Timber, or imploying it to any other uſe then the uſe of the Plantation.

LXVIII.

Grants of Land.

BE it hereby Enacted, That any perſon or perſons, claiming Land as due by Importation of Servants, ſhall firſt prove their Title or Juſt Right before the Governor and Council, or produce Certificates from the *County-Courts*, to the Secretarie's Office, before any Survey be made or Grant admitted. It being unreaſonable, that others furniſhed with Rights ſhould be debarred by pretence of a Survey which in it ſelf is no Title.

LXIX. *De-*

LXIX.

Deſerted Lands.

BE it alſo Enacted, That no Pattent of Land ſhall hereafter paſs upon pretence that the Land is deſerted for want of Planting within the time of three years, unleſs proof thereof be made before the Governor and Council, and an Order obtained from them for the Pattenting thereof; neither ſhall the firſt Petitioner for any deſerted Land be denyed of having the firſt grant, he making his Rights appear, when he Petitions for the Land. And whereas the former Act concerning deſerted Lands reſerved to the firſt taker up his Rights to take up Land in another place: It is here Enacted, That in regard he hath had the benefits of his Rights, held the Land in poſſeſſion, might make uſe of the Timber without contradiction, and yet neither pays the King any Rents, nor ſuffers him to admit any new Tenant, that the Rights aſwell as the Land ſhall be forfeited, and the Grantee made incapable of uſing any of them afterwards. Provided, that any perſon having taken Upland, deſerted before the making of this Act in *November*, 1652. ſhall not by vertue of this Act be outed of poſſeſſion.

LXX.

Seating upon others Dividents.

WHereas divers Suits have riſen about Seating ignorantly upon other mens Lands; for deſiding the ſame; Be it enacted, that, if any perſon whatſoever hath built or ſeated upon any Lands, ſuppoſed his own, but proving by a Juſt Survey to belong to another; the charge of ſuch building, Seating or Cleering, ſhall by twelve men upon their Oaths be indifferently valued, and the conſideration by the ſaid Twelve men ſo adjudged ſhall be paid by the owner of the Land to the firſt Seater that was at the charge. But, if that ſhall amount to more then the ſaid Owner is willing to diſburſe, then the ſaid Twelve men ſhall make a valuation of what the Land was worth before the Seating thereof, which the Seater ſhall accordingly pay to the true Owner. Provided alwayes, That no conſideration, ſhall be allowed for Building or Cleering, to any perſon that ſhall obſtinately perſiſt after lawful warning given him to deſiſt.

LXXI.

Not to Shoot or Range upon other mens Lands.

WHereas the Rights and Interests of the Inhabitants are very much infringed by the hunting & shooting of divers men upon their Neighbours Dividends, contrary to the Priviledges granted them by their Pattents, whereby many Injuries do dayly happen to the owners of the said Land; Be it Enacted, That if any Planter, or other, shall hunt or shoot within the limits of anothers Dividend without leave first obtained from the Proprietor, he or they so offending shall forfeit for every such Trespass Four hundred pounds of Tobacco, one half to the Owner of the Land, and the other half to Publique uses. Notwithstanding, it shall be lawful for any person or persons to hunt or shoot upon any Dividend of Land, not planted, or seated, though taken up without restraint or penalty. Provided also, That it shall be lawful for any person, that hath shot any game without the limits of another mans Land, to pursue the same into any mans Dividend, and freely to carry away the same; as also to seek or fetch his own Cattle or Hoggs off, of any mans Land; first giving notice to the owner of the Land of his intent, and of the time he intends to stay upon it, to the end that the said owner may, if he think fit, send one to see what Cattel or Hogs he drives away. Provided alwayes, that it shall be lawful for the Governour to Commissionate some Gentlemen to give licence to persons to hunt wild Hogs upon any mans Land without their Fenced Plantations.

LXXII.

Lands five years in possession.

WHereas sundry Suits and Controversies have been, and dayly do arise, about Claims and Titles to Lands, to the great impoverishing of divers persons: For Remedy whereof, and for the better establishing the Inhabitants in the Rights and Possessions hereafter; Be it Enacted, That all persons whatsoever, that have or do pretend any Title to any Land, shall prosecute their Claims before the said Land hath been peaceably enjoyed Five years; otherwise, it shall be a good plea in Bar for the Possessour of such Land Claimed or Possessed, to affirm, He hath had peaceable Possession, without Claim, by Commencement or Prosecution of Suit, full five years: proof whereof, shall be a sufficient Confirmation to the Possessor, and shall conclude the Claim and Title of the pretender. And this

this Act to extend to all ſuch as have not proſecuted their Title within five years, ſince the 6 day of *October*, 1646. Alwayes provided, that the limitation of five years in this Act expreſſed, ſhall not bar Orphans, nor Widows under Covert, nor perſons out of the Countrey, nor perſons of unſound mind: But that the ſaid Orphans ſhall have five years, after they be of Age; Women five years free from Coverture, (*viz.*) If ſhe marry again before her five years are expired, and her husband omit to make Claim, his omiſſion ſhall be a good bar againſt him; but if the Woman ſurvive, ſhe ſhall have ſo long time allowed her to Claim in, as will make up the firſt time of her freedom, Five years. Perſons of unſound mind, five years after their recovery from their impotence. Perſons out of the Countrey, five years after their Arrival in the Countrey: Provided, they come in within two years after the Title to the Land became due; in which times, if they Claim not, as aforeſaid, to be utterly barred for ever. For otherwiſe the expectation of Heirs, out of *England*, where there is none born here, muſt in a ſhort time leave the greateſt part of the Countrey, unſeated and unpeopled; no man knowing how or of whom either to purchaſe or take Leaſe.

LXXIII.

Againſt Fraudulent Conveyances.

BE it enacted and confirmed, That no perſon or perſons whatſoever, ſhall paſs over by Conveyance, or otherwiſe, any part of his Eſtate, whether Lands, Goods, or Cattel, whereby his Creditours, not having notice thereof, might be defrauded of their juſt Debts; unleſs ſuch Conveyance, or other Deeds, be acknowledged before the Governour and Council, at the *General-Court*; or before the Juſtices at the *County-Courts*, and there Regiſtred in a Book for that purpoſe, within ſix moneths after ſuch Alienation. And whoever ſhall make over or alienate any part of his Eſtate, otherwiſe then is here expreſſed, the ſame ſhall not be accompted valid in Law; nor ſhall it bar any Creditor, by ſeizing the ſame by Law, for ſatisfaction of the Debt; the Property of the Eſtate not being legally veſted in any but the firſt Vendour. And it is further Enacted, That any Conveyance made, and acknowledged, and recorded, ſhall not be held good in Law, againſt any Creditours, or former Purchaſers, until four moneths after ſuch Acknowledgment made and recorded; in which time the Creditours, or former Purchaſers, may ſhew for what cauſe the ſaid Conveyance is to be accompted Fraudulent; but if none appear within the ſaid four moneths, after the firſt Acknowledgment in Court, then the Sale ſhall be for ever after good, againſt all other Claimers or Pretenders whatſoever; unleſs ſuch

as pretend to overthrow the first sellers Title, in whom only five years possession can bar. Provided, that this Act shall not extend to such persons, who, for satisfaction of just Debts, shall make a Bill of Sale of their Estates, or any part thereof, and deliver it *bona fide*, into the possession of the Creditour; but such Act shall be good and valid, to all intents and purposes, this Act being made only to prevent fraud and deceit.

LXXIV.

Quit-Rents how to be paid.

WHereas his Majesties hath by his Commissioners appointed a Treasurer to receive the Quit-Rents, and other Fees and Profits due to his Majesty; And the payment of Quit-Rents being due in Money, which we, being destitute of Coin, cannot procure: Be it Enacted, That those persons that cannot procure Money, shall pay their said Rents in Tobacco, at two pence *per* pound, to such Collector, or Collectors, as by his Majestie's Treasurer shall be appointed; and that the Countrey paying the Rents double, the two next years shall be acquitted from all Arrears by Assent of the Honourable Sir *William Berkeley*, who is authorized by the Treasurer to make Composition.

LXXV.

Surveyors of Land.

BE it Enacted, That Surveyors of Land shall demand no more than Twenty pounds of Tobacco, for measuring One hundred Acres of Land, if the parcel exceed Five hundred Acres; but if under, to be allowed One hundred pounds of Tobacco, and for the same shall deliver an exact Plot of each parcel Surveyed and Measured: And if any Surveyor, upon reasonable demand, shall refuse to measure the Dividend for any person whatsoever, for the consideration and satisfaction aforesaid, such Surveyor shall be liable to the censure of the Court, in that County where he liveth. And if any Surveyor shall be desired to go further, from his place of Residence, than he can return in one day, such Surveyor shall have the allowance of Thirty pounds of Tobacco *per* day, for every dayes absence from his dwelling; and if his passage cannot be but by Water, then such persons as shall imploy him, shall provide for his transport out and home. Provided, no pay to be received before the Plot delivered.

LXXVI.

Land to be plainly Marked and Bounded.

WHereas many Contentious Suites do ariſe about Titles to Land, occaſioned much through the Fraudulent and underhand-dealing of Surveyors, who frequently make ſales of the Surveyes by them made in the behalf of one perſon, to another; whereby, oftentimes, he that had the firſt and juſteſt Right, is unjuſtly deprived of his due: For prevention whereof, for the future, Be it Enacted and Ordained, That no Surveyor of Land, ſhall give a Plot of any Land Surveyed by him, unto any other perſon whatſoever, untill ſix moneths after ſuch Plot is drawn, according to its Survey. And that all Land Surveyed, ſhall be, at the Surveying thereof, plainly Marked and Bounded, for all perſons to take notice of; that none may, by the ignorance of the Bounds, intrench upon anothers Right. And the perſons offending, either in giving out of Surveyes, contrary to this Act, or not ſufficiently marking his Bounds, to forfeit Five hundred pounds of Tobacco, for every hundred Acres the Survey ſhall be given of, to the uſe of the Countrey.

LXXVII.

What Fences ſhall be ſufficient.

BE it alſo enacted and confirmed, by this preſent *Grand Aſſembly*, That every Planter ſhall make a ſufficient Fence about his cleared ground, at the leaſt four foot and a half high; which, if he ſhall be deficient in, what Treſpaſs or Dammage ſoever he ſhall receive or ſuſtain by Hogs, Goats, or Cattel, ſhall be his own loſs and detriment. And alſo, if it ſhall happen, that any perſon ſhall hunt any of the ſaid Horſes, Mares, Hogs, Goats, or Cattel, that ſhall ſo offend and do them harm, he ſhall make ſatisfaction for any of them that ſhall be ſo hurt, to the owners of them, to be recovered in any Court of Juſtice within the Colony. And it is further Enacted, That where any Horſes, Mares, Cattel, or Hogs, ſhall endamage any perſon for want of ſuch Fence, as aforeſaid, and the party damnified, do wilfully kill, or otherwiſe hurt, ſo as the Cattel, Hogs, Horſes, or Mares, do die of ſuch hurt, whether by Dogs ſet upon them, or otherwiſe; in ſuch caſe, the owner of the ground ſhall not only be liable to ſatisfie the value of ſuch Horſes, Mares, Hogs, or Cattel; but, by vertue of this Act, be adjudged to ſatisfie double the value of ſuch Horſes, Mares, Hogs, or Cattel ſo killed, to the owners of them.

And further, Be it enacted, That where the Fence ſhall be adjudged ſufficient, (*viz.*) four foot and a half high, and cloſe down to the bottom, that in caſe any Dammage or Treſpaſs be then done or committed to any perſon, having ſuch Fences, by either Horſes, Mares, Goats, or any other Cattel whatſoever, the owners of ſuch Horſes, Mares, *&c.* ſhall be liable to make ſatisfaction for their Treſpaſs and Dammage, to the perſon injured, in caſe the Fence be found by two honeſt men appointed by the next Commiſſioner to be ſufficient.

LXXVIII.

Bounds of Lands to be every four years renewed by the view of Neighbourhood.

WHereas many contentious Suits are dayly incited and ſtirred up about the Bounds of Land, for which no Remedy yet hath been provided, the 57 [b]. Act prohibiting Re-ſurveyes, not applying the expected Remedies; for if the Survey be juſt, yet Surveyors being, for the moſt part, careleſs of ſeeing the Trees marked, or the owners never renewing them; in a ſhort time, the Chops being grown up, or the Trees fallen, the Bounds become as uncertain as at firſt, and upon a new Survey, the leaſt variation of a Compaſs, alters the ſcituation of the whole Neighbourhood, and deprives many perſons of Houſes, Orchards, and all. to their infinite loſſe and trouble. For prevention whereof, Be it Enacted, That within twelve moneths after this Act, all the Inhabitants of every Neck and Tract of Land adjoyning, ſhall go in Proceſſion and ſee the marked Trees, of every Mans Land in thoſe Precincts, to be renewed; and the ſame courſe to be taken once in every four years; by which means, the inconveniency of Clandeſtine Surveyes, will be taken away, and the Bounds will be ſo generally known, and the marks ſo freſh, that no alteration can be made afterwards. And, Be it further Enacted, that the Bounds, by the conſent of the preſent Proprietors, being once thus ſetled, ſhall conclude the ſaid Proprietours, and all others Claiming from or under any of them, from any future Alterations of their Bounds; be there, within the ſaid Bounds, more or leſſe Lands then they pretend to. And if it ſhall happen any difference to be at preſent, that cannot be by the Neighbours themſelves decided: Be it further Enacted, that two honeſt and able Surveyors ſhall, in preſence of the Neighbourhood, lay out the Land in controverſie, and the Bounds laid out to be the certain Bounds, and ever after to be renewed and continue ſo; (but the perſon cauſing the difference, to pay the charge of the Survey.)

Survey.) It tending much more to the preſervation of Friendſhip among Neighbours, to have a preſent and final Deciſion of their differences, while men yet live that are acquainted with the firſt Surveyes, and while Land is yet at a low value, then it will be when time hath raſed out all knowledge to the Bounds, and added a great value to the Land.

Be it Enacted further, That each *County-Count* ſhall appoint and order the Veſtries of each Pariſh, to divide the Pariſhes into ſo many Precincts, as they ſhall think neceſſary, for the Neighbours to joyn in, and ſee each others Marks renewed; and to appoint certain dayes, between *Eaſter* and *Whitſontide*, to go the ſaid Proceſſions, and put this Act into effectual Execution. And in caſe the Court ſhall omit to make ſuch Orders, and to ſend the ſame to the ſeveral Veſteries of the Pariſhes in their Counties, they ſhall be fined Ten Thouſand pounds of Tobacco: And the Veſteries failing to order the Precincts and the perſons to go together, ſhall be fined Twelve hundred pounds of Tobacco: And the perſon failing to go upon the day appointed, or to renew his Marks accordingly, ſhall, for his neglect, be fined Three hundred and fifty pounds of Tobacco.

LXXIX.

Surveyors for High-wayes.

WHereas through the frequent Alterations of the High-wayes, by falling of Trees over them, and many times taking them into Fenced Plantations, to the great hinderance of Travellers and Traders; Be it therefore Enacted, That the Juſtices do yearly, in *October-Court*, appoint Surveyors of the High-wayes, who ſhall firſt lay out the moſt convenient wayes to the Church, to the Court, to *James*-Town, and from County to County; and make the ſaid wayes forty foot broad, and make Bridges where there is occaſion. And the Wayes being thus laid out, and Bridges made, they ſhall cauſe the ſaid Wayes to be kept cleer from Logs, and the Bridges in good repair; that all his Majeſties Subjects may have free and ſafe paſſage about their Occaſions. And to effect the ſame, the Veſtries of every Pariſh, are, upon the deſire of the Surveyor, hereby enjoyned and impowred, to order the Pariſhioners, every one according to the number of Tithables he hath in his Family, to ſend men, upon the dayes by the Surveyors appointed, to help them in Clearing the Wayes, and Making or Reparing the Bridges, according to the intent and purpoſe of this Act. And if any Court ſhall omit the appointing Surveyors, or they neglect the Executing their Office, or the Veſtry to order the Work, or any perſon to ſend help according to the ſaid Veſtries order; the ſaid Court, Surveyor, Veſtry, or

Perſon, ſhall be Amerced Five hundred pounds of Tobacco, to the uſe of the County. And if any perſon ſhall, contrary to this Act, fall Trees upon the High-wayes, and not clear the ſame; or incloſe any part of the ſaid High-wayes within any Fence; the Grand-Jury ſhall preſent the ſame as a common Nuſance, and the Incloſure ſhall be thrown open, and the Offender be fined One Thouſand pounds of Tobacco, to the uſe of the County: And if any Counties have Creek or Swamp, limitting the Bounds between the ſaid Counties, it is Enacted, that both Counties bounding upon ſuch paſſage, ſhall contribute to the making the Bridge, or making the way over it.

LXXX.

Tobacco, when to be demanded.

WHereas many Creditors, for ſeveral by-reſpects, neglect the Demanding the Tobacco due to them in due time, by that means inforcing the Debtor to the inconveniency of not diſpoſing of his Tobacco, and yet not paying his Debts, to the great dammage and prejudice of the ſaid Debtor: Be it therefore Enacted, that every perſon or perſons, not demanding his or their Debts between the Tenth of *October*, and the laſt of *January*, ſhall not ſue or implead any perſon or perſons indebted to him or them for preſent payment; but it ſhall be lawful for any perſon, owing Tobacco, to diſpoſe of the ſame for his own uſe, after the ſaid laſt of *January*, if it have not been demanded, according to the tenor of this Act; and no execution to iſſue for a Tobacco-Debt, but againſt the perſon, who ſhall have liberty to free himſelf by putting in Security to pay the Debt the following Crop. Provided alwayes, that it ſhall be lawful for the Creditor, to ſue or implead his Debtor for Security for his Debt againſt the next year; any thing in this Act to the contrary notwithſtanding.

LXXXI.

Judgments and Specialties how long pleadable.

WHereas the nature of our Trade in *Virginia*, enforceth us to engage by Bills, Bonds, and other Writings; for diſcharge of which, in part or in whole, the Debtor is often conſtrained to accept of Receipts, the ſaid Bills, Bonds, Judgments, and other Writings, remaining ſtill in the hands of the ſaid Creditor: and the Receipt being oftentimes loſt, the Debtor, and eſpecially the Executors, and Admi-

Adminiſtrators of a perſon Deceaſed, not being able to prove payment; thoſe Debts are frequently demanded, and unjuſtly recovered, which before had been juſtly paid and diſcharged: For remedy whereof, Be it Enacted, That no Bills or Bonds be of force, or recoverable, five years after the date of the ſaid Bills or Bonds; nor any Bills or Bonds heretofore made, five years after the date of this Act. As alſo, that no Judgment ſhall be of force ſeven years after the Grant thereof, or after the date of this Act, as aforeſaid; but if the Debtor ſhall depart the Countrey, and leave no Attorney to Anſwer for him, or any other way conceal, or privily remove himſelf, into any part of the Countrey, and by that means render the renewing of the Bill impoſſible, ſuch time of his abſence or concealment ſhall not be accompted any part of the five or ſeven years limited.

LXXXII.

Atturnies for Buſineſs out of England.

WHereas many perſons in this Countrey, entertain, as Atturnies, many troubleſome Buſineſſes out of *England*, and other places, where juſtly there is no occaſion for ſuch Moleſtation; and yet the parties moleſted, are left deſtitute of relief, by reaſon the ſaid Diſturbers have no Eſtate in this Country to ſatisfie Damages they are condemned in: Be it therefore Enacted, That no Atturney, by any power out of *England*, or elſe where, ſhall ſue or implead, any perſon of this Colony, without giving firſt good Security that he the ſaid Atturney ſhall pay all ſuch Coſts and Dammages as the Court ſhall award againſt him, where the Law ſhall find that he the ſaid Atturney hath by that power unjuſtly moleſted the Defendant.

LXXXIII.

Burgeſſes.

WHereas no proviſion hath been made for the certain Conveyance of Publique Writs for the Election of Burgeſſes, whereby, the delivering the ſaid Writs being Retarded, the Sheriff hath no time to give notice to the people, according to Law, nor make a timely Return of the Writs, nor can the Burgeſſes appear at the day: For remedy whereof, Be it Enacted by this preſent Grand Aſſembly, That the Secretary provide for the timely conveyance of the Writs into every County, to be delivered to the Sheriff

thereof, and for his pains be paid One hogſhead of Tobacco, weighing Three hundred and fifty pounds, for every County; and in caſe any neglect be proved againſt him, that he be fined for ſuch neglect at the diſcretion of the Aſſembly: Alwayes provided, he have the Writs ſigned forty dayes before the day of the Return.

LXXXIV.

Burgeſſes Aſcertained.

WHereas the charge of Aſſemblies is much augmented, by the great number of Burgeſſes unneceſſarily choſen by ſeveral Pariſhes: Be it Enacted, That hereafter no County ſhall ſend above two Burgeſſes, who ſhall be Elected at thoſe places in each County, where the *County-Courts* are uſually kept. Provided alwayes that *James*-City, being the Metropolis of the Countrey, ſhall have the priviledge to elect a Burgeſſe for themſelves. And every County that will lay out One hundred Acres of Land, and people it with One hundred Tithable perſons, that place ſhall enjoy the like priviledge.

LXXXV.

Burgeſſes Charges Aſcertained.

WHereas the immoderate Expences of the Burgeſſes, cauſing divers heart-burnings between them and the People, occaſioned an Injunction to make agreement for the Allowance before the Election, which may hereafter probably induce intereſted perſons to purchaſe Votes by offering to ſerve at low Rates; by which means, that Candour and Freedom which ſhould be in the choice of perſons credited with ſo honourable and great a Truſt, might be very much prejudiced, and the place it ſelf become mercenary and contemptible: Be it therefore Enacted, That the Maintenance of every Burgeſſe ſhall be One hundred and fifty pounds of Tobacco and Cask *per* day, beſides the neceſſary charge of going to the Aſſembly and returning.

LXXXVI.

Burgeſſes to appear upon the day.

WHereas many inconveniences happen by the not appearing of Burgeſſes upon the preciſe day of the Return of the Writ,

as

as leaving the Buſineſs of the greateſt importance, the prudent choice of a Speaker, to a ſmall party that firſt appears; upon which, divers animoſities may ariſe in ſome that diſlike the Election, to the great detriment of the Publique Affairs; which by this means are retarded, and the Charges of thoſe Counties, whoſe Burgeſſes firſt appeared, increaſed: Be it therefore Enacted, That what Burgeſſe ſoever ſhall fail in making his Appearance and Attending the Aſſembly preciſely upon the day of the Return of the Writ, ſhall be fined for every day's abſence, Three hundred pounds of Tobacco, to be diſpoſed of by the Aſſembly, unleſs he be obſtructed by ſome ſuch impediment as the Houſe ſhall judge might be a lawful and reaſonable cauſe to hinder his coming.

LXXXVII.

Burgeſſes not to be Arreſted.

FOR the Diſpatch and Reputation of the Publique Buſineſs, Be it Enacted, That none of the Burgeſſes of any Aſſembly, nor any of their Attendants, ſhall be Arreſted, from the time of their Election, untill ten dayes after the Diſſolution of the Aſſembly, wherein he ſerves as a Burgeſſe. Provided, that if the Aſſembly be Adjourn'd for above a moneth, the ſeveral Burgeſſes ſhall ten dayes after that Seſſion be liable to Arreſts, and other Proceſſes; and if in the Interval of Seſſions they be Arreſted and proſecuted to Execution, and that ſerved; the Execution ſhall be ſuſpended ten dayes before the next Seſſion of that Aſſembly, and continue ſo untill ten dayes after it, at which time the priviledge of Burgeſſe ſhall ceaſe and determine.

LXXXVIII.

No Order to contradict an Act.

BE it Enacted and Confirmed, That no Act of Court, or Proclamation, ſhall, upon any pretence whatſoever, enjoyn obedience thereunto, contrary to any Act of Aſſembly, until the Reverſal of that Act by a ſucceeding Aſſembly.

LXXXIX.

Aſſemblies to enquire after the Breach of Laws.

WHereas ſeveral Laws have been, by divers Aſſemblies, made for the good of this Countrey; which, for want of due obſervation, have not produced the deſired Effect: And whereas it is by this Aſſembly Enacted, that the Grand Jury of Inqueſts, ſhould twice Annually make preſentment of the breach of all Penal Laws, and that the Aſſembly ſhould diſpoſe of the Fines levyed upon the ſeveral Offenders, for the uſe of thoſe Counties wherein they accrewed due: Be it Enacted, that for the future, the firſt day of every ſucceeding Aſſembly, ſhall be imployed in receiving the ſaid Preſentments of the Grand Jury, & to enquire into the remiſneſs of Juries and Courts, and how the Laws have been put in Execution, and diſpoſing the Fines; that by that means the Laws may be reſtored to their due vigor, and Offenders be deterred from neglect or contempt, when they ſhall find, a ſevere accompt of their Obſervation is ſo diligently enquired into.

XC.

Publique Letters, how to be Conveyed.

WHereas the remoteneſs of divers places in the Countrey from *James*-City, and the neceſſity of communicating divers buſineſſes to the utmoſt limits of it, would, if Meſſengers were preſſed purpoſely, put the Countrey to an Annual great Expence: For prevention thereof, Be it enacted, That all Letters ſuperſcribed for the uſe of his Majeſty, or the Publique, ſhall be immediately conveyed from Plantation to Plantation, to the place and perſon they are directed to, under the penalty of Three hundred and fifty pounds of Tobacco, to each default; and if any perſon be put thereby to any extraordinary charge, the Court of each County is hereby authorized to judge thereof, and to levy payment for the ſame; the Superſcriptions being ſigned by the Governour, ſome one of the *Quorum*, or the Colonel, Lieutenant Colonel, or Major of a Regiment: And where any perſon in the Family the ſaid Letters come to, can write, ſuch perſon is required to endorſe the day and hour he received them, that the neglect or contempt of any perſon ſtopping them may be the better known, and be puniſhed accordingly.

XCI. *Divul-*

XCI.

Divulgers of falſe News.

WHereas many idle and buſi-headed People do forge and divulge falſe rumors and reports to the great diſturbance of the peace of His Royal Majeſtie's Leige-People in this Colony: Be it enacted, That what Perſon or Perſons ſoever ſhall forge or divulge any ſuch falſe Reports, tending to the trouble of the Country, he ſhall be by the next Juſtice of Peace ſent for, and bound over to the next *County-Court*; where, if he produce not his Author, he ſhall be fined Two thouſand pounds of Tobacco (or leſs, if the Court think fit to leſſen it) and beſides, give Bond for his Behaviour, if it appear to the *Court*, that he did malitiouſly publiſh, or invent it.

XCII.

Chirurgions Accounts regulated.

WHereas the exceſſive and immoderate prices exacted by divers avaritious and griping Practitioners in Phyſick and Chirurgery, hath cauſed ſeveral hard-hearted Maſters, ſwayed by profitable more than charitable reſpects, rather to expoſe a ſick ſervant to a hazard of the recovery, then put themſelves to the certain Charge of a rigorous, though unskilful Phyſician, whoſe demands for the moſt part exceed the Purchaſe of the Patient; many other poor people alſo being forced to give themſelves over to a lingering Diſeaſe, rather then ruine themſelves, by endeavouring to procure an uncertain Remedy: For redreſs thereof for the future, Be it enacted, that it ſhall be lawful for any Perſon or Perſons conceiving the Account of the Phyſician or Chirurgion unreaſonable, to arreſt the ſaid Phyſician or Chirurgion to the *General* or *County-Court*; where the Phyſician or Chirurgion ſhall declare upon his Oath the true value, coſt, and quantity of the Drugs adminiſtred; for which, the Court ſhall grant order againſt the Plaintiff with fifty *per cent.* advance, and ſuch conſideration for his care, viſits, and attendance, as they ſhall judge he hath deſerved; and if it ſhall appear by Evidence, that the ſaid Phyſician or Chirurgion hath neglected his Patient, while he was under cure, the *Court* ſhall cenſure him to pay ſo much, as they in their diſcretion ſhall think reaſonable.

XCIII.

Chirurgions Accounts, pleadable after deceaſe of the Party.

WHereas by Act of many Aſſemblies, no Accounts are pleadable againſt dead mens Eſtates, whereby many ſcruples have been made about the Accounts of Phyſicians and Chirurgions, who cannot, poſsibly, take Bill. Be it therefore enacted, That Phyſicians and Chirurgions Accounts ſhall be pleadable and recoverable, for means adminiſtred, and Pains taken, in the time of Sickneſs, whereof the Party dies; and where the Patient recovers, Six Months after ſuch recovery, and no longer.

XCIV.

Diſcounts to be made in Courts.

BE it enacted, for the avoiding many cauſeleſs Suits in Law, That where any Suit ſhall be commenced in any *Court* for a Debt, that if the Defendant have either Bill, Bond, or Account of the Plaintiff's, wherein he proves the Plaintiff Debtor, ſuch Debt of the Plaintiff ſhall be diſcounted out of the Debt he claimeth of the Defendant; and judgment ſhall be given for no more than the ballance of the Debt will amount to, Conſideration being alwayes made of the times their ſeveral Debts have been due, and accordingly allowance made for the time. And becauſe it many times happens, that the Defendants in ſuch caſes, do procure Bill or Accounts of the Plaintiff's, from other men, which he perhaps can diſcount with thoſe to whom he paſſed ſuch Specialty or Account: It is therefore enacted, That no Bill or Account being aſsigned over, ſhall by the Aſsignee be pleadable againſt the Debtor in ſuch Bill or Account, unleſs the Aſsignee can prove, that he gave the Debtor notice before his Acceptance of the Aſsignment, and that the Debtor at that time pretended to no diſcount againſt it.

XCV.

Accounts againſt dead Mens Eſtates.

WHereas too ſad experience hath ſhewed, that Accounts againſt the Eſtates of Perſons deceaſed, have often unjuſtly devoured the Eſtates, and brought the Wives and Children to poverty

verty and ruine; And whereas as well the Laws of *England*, as of this Country, permit not any thing to be pleadable againſt any Perſon that cannot wage his Law; which, Executors and Adminiſtrators are utterly uncapable of: Be it therefore enacted, That no Book-Debts, or Accounts, ſhall be henceforth pleadable againſt the Eſtate of any Perſon deceaſed, nor againſt any living, if the ſaid Perſon ſhall upon his Oath, deny the ſame to be due; unleſs they be ſuch Accounts, as by particular Acts of the Aſſembly, as Officers Fees, Levies, and Chirurgions Accounts, are pleadable; neither ſhall any man be put to his Oath upon an Ordinary-Keeper's Account; but the ſaid Ordinary-Keeper's ſhall take the hand of any Perſon (calling for any Drink or Proviſion) to his Book, or elſe his Bill; or otherwiſe his Debt ſhall not be pleadable.

XCVI.

Ballancing Accounts of Deceaſed Perſons.

AND whereas divers men being indebted to others upon account, may be induced to deliver Goods to them, or their Aſſigns in ballance, yet take no Receipt; which Account, upon the Death of either Party may be brought by his Executors or Adminiſtrators, againſt the Survivor, of which he cannot, upon his Oath, deny the Receipt; yet that Account, though juſtly ballanced before, is often recovered by this Act prohibiting Accounts againſt dead mens Eſtates, yet leaving Liberty to their Executors or Adminiſtrators, to ſue for an Account due to the Eſtate of the Perſon Deceaſed: Be it therefore enacted, That accounts againſt a dead mans Eſtate, being ſufficiently proved, ſhall be admitted in diſcount of an Accoune due to ſuch dead mans Eſtate; but if the Account brought againſt the Eſtate, exceed that due to the Eſtate, the Survivor, for the Overplus ſhall be diſmiſſed without day: Provided alſo, that where the Party charged as Debtor to any one, ſhall refuſe upon his Oath to deny the Account brought againſt him (except an Ordinary-Keeper's, which it is impoſſible to keep in memory, or any part thereof) the *Court* ſhall take the Account to be due, as by Confeſſion; and ſhall give Judgment for ſo much thereof as he ſhall not deny as aforeſaid.

XCVII.

Ordinary-Keepers, how to ſell.

WHereas continual Complaints are made of the Exaction of Ordinary-Keepers, and Others, in the Rate and Meaſures

of Strong-Drink, by them retailed and ſold: Be it enacted, That no Perſon, after the firſt of *March*, One thouſand ſix hundred ſixty and three, ſhall ſell or vend by retail, any Wine, Beer, or other Strong-Drink, of what ſort ſoever, by any Meaſures, but Engliſh ſealed Meaſures, of Pints, Quarts, Pottles or Gallons; and that every one, that now doth, or hereafter ſhall keep any Ordinary, ſhall by the ſaid Firſt of *March*, 1663. provide ſuch Meaſures to ſell by in his Houſe; and, in caſe he fail, ſhall be put down from keeping any Ordinary, and fined Five thouſand pounds of Tobacco, to the uſe of the Publick: Provided alwayes, that it ſhall be lawful for them, to ſell Engliſh Strong-Waters coming over in caſes, by the Bottle, in the ſame Bottles they bought them.

And for preventing many Diſorders and Riots in Ordinaries, and other places, where Drink is retailed; Be it enacted, That no Perſon or Perſons whatſoever, ſhall in their Houſes retail any Drink, but ſuch, as ſhall obtain a Licence from the Commiſſioners of the County, where he lives, ſigned by the firſt in Commiſſion of that *Court*, by giving Bond, according to the Laws of *England*; and further obliging himſelf to ſell at the Rates, ſet by the Commiſſioners; and to pay annually, to the Governour, Three hundred and fifty pounds of Tobacco and Cask, for his Licence.

XCVIII.

Servants, how long to ſerve.

WHereas the Thirteenth Act, 1659. doth enact That all Perſons, brought as Servants into this Country, of what Chriſtian Nation ſoever they be, ſhould ſerve no longer than our own Nation, which is five years, if above ſixteen years of Age; if under, until One and Twenty, as by the Thirtieth Act of the ſaid Aſſembly, appears: and, in regard, the ſaid Thirteenth Act doth, contrary to Law, look backward, and ſet free ſeveral Servants, Aliens purchaſed, upon a former Act of Aſſembly, made the Fourth of 1654. Be it therefore enacted, That all Aliens, and Others coming in, while that Act, and the others are in force, ſhall ſerve according to thoſe Acts; and that for the future, all the aforeſaid Acts ſhall be repealed: and all Servants hereafter coming in without Indenture, ſhall ſerve Five Years, if above Sixteen Years of Age; and all under that Age, ſhall ſerve until they be Four and Twenty Years old, that being the time limited by the Laws of *England*; and that the ſeveral *Courts*, at the requeſt of the Maſter, make inſpection, and judge of their Age.

XCIX.

Againſt Secret Marriage.

WHereas much loſs and detriment doth ariſe to divers Maſters of Families, by the ſecret Marriage of Servants, the ſaid Servants through that occaſion neglecting their works, and often purloining their Maſter's Goods and Proviſions. Be it therefore Enacted, That no Miniſter either publiſh the Banes, or Celebrate the Contract of Marriage between any Servants, unleſs he have from both their Maſters a Certificate, that it is done with their conſent; and the Miniſter doing otherwiſe, ſhall be fined ten thouſand Pounds of Tobacco, and the ſaid Servants both Man and Woman, that ſhall by any indirect means procure themſelves to be marryed without conſent of his and her Maſter, ſhall for ſuch their offence, each of them ſerve their reſpective Maſters one whole year after the time of ſervice by Indenture is expired. And, if any perſon being free ſhall clandeſtinely marry with a Servant, as aforeſaid, he or ſhe ſo marrying, ſhall pay to the Maſter of the Servant, Fifteen hundred pounds of Tobacco, or a years Service; and the Servant ſo being marryed, ſhall abide with his or her Maſter, the time by Indenture, or Cuſtom, and a year after as aforeſaid.

C.

Againſt Fornication.

FOr reſtraint of the filthy ſin of Fornication; Be it Enacted, That what Man or Woman ſoever ſhall commit Fornication, he and ſhe ſo offending upon proof thereof by Confeſſion or Evidence, ſhall pay each of them five hundred Pounds of Tobacco, five to the uſe of the Pariſh or Pariſhes they dwell in, and be bound to their good behaviour, and be impriſoned till they find ſecurity to be bound with them; and if they, or either of them, committing Fornication, as aforeſaid, be Servants, then the Maſter of ſuch Servant ſo offending, ſhall pay the ſaid Five hundred pounds of Tobacco, as aforeſaid, for which the ſaid Servant ſhall ſerve half a year, after the time by Indenture, or Cuſtom, is expired; and if the Maſter ſhall refuſe to pay the Fine, then the Servant to be whipped: And if it happen a Baſtard Child to be gotten in ſuch Fornication; then the Woman, if a Servant, in regard of the loſs and trouble her Maſter ſuſtains by her having a Baſtard, ſhall ſerve two years, after her time by Indenture is expired, or pay two Thouſand pounds of Tobacco to her Maſter; beſides

ſides the fine or puniſhment for committing the offence, and the reputed Father to put in ſecurity to keep the Child, and ſave the Pariſh harmleſs.

CI.

Hired Servants.

WHereas divers perſons, that by Indenture, Cuſtome or After-Contracts for Wages, being Servants to ſeveral men, do many times run away to Plantations farr Remote, and there being unknown, procure Entertainment with others for wages or ſhares, to the great damage, and ſometimes utter undoing of their true Maſters, and alſo of thoſe that ignorantly entertain them by paying the fine: For prevention whereof, for the future, and for the better diſcovery of ſuch Runawayes; Be it Enacted, That all Servants at the Expiration of their time, ſhall with their Maſter, or a ſufficient Teſtimonial from him, go to the Court in that County where he ſerved, and there enter his Freedom, and take Certificate thereof from the Clerk of the ſaid Court, which Certificate ſhall be ſufficient Warrant for any perſon to entertain him into his Service. And whoever, after his firſt time by Indenture is expired and Certificate thereof taken out as aforeſaid, ſhall again upon any tearms become Servant to another; the Maſter then hiring the ſaid Servant, ſhall take his Certificate of Freedom, and keep it until the time contracted for, be expired; and whoever ſhall entertain, or harbour any Servant, or hired Free-man running away from his Maſters ſervice, and not having a Certificate, as aforeſaid, ſhall pay to the Maſter of the ſaid Servant Thirty pounds of Tobacco *per* day and night, for all the time they ſhall harbour, or entertain them. Provided, That if ſuch Run-away Servant ſhall forge a Certificate, or ſteal the true one from the Maſter he is hired to, and by that means procure himſelf Entertainment; the perſon entertaining him ſhall be free from the Fine, but the Servant ſtealing or forging the Certificate, ſhall be puniſhed for his forgery, by ſtanding in the Pillory two hours upon a Court-day, and if any perſon coming free into the Countrey, ſhall by any Contract agree with one perſon, and, before the time agreed for be accompliſhed, ſhall depart to another, he ſhall firſt perform the Tenor of his Contract firſt made, and pay the apparent damages, that ſhall ariſe by his breach of Covenant, and ſhall, after that ſatisfied, be lyable to the payment of what damages any other Contractor with him ſhall recover of him by Law. And in regard the Certificates of Freedoms may be worn out, and loſt, and by thoſe means new ones be required: It is further Enacted, That every Clerk upon ſuch pretence, granting a new certificate ſhall

men-

mention in that the loſs of the firſt, and that for that cauſe this ſecond was iſſued.

CII.

Run-awayes.

WHereas there are divers loitering Run-aways in this Country, who very often abſent themſelves from their Maſters-Service, and ſometimes in a long time cannot be found; the loſs of their time, and the charge of the ſeeking them, often exceeding the value of their labour: Be it therefore Enacted, That all Run-awayes, that ſhall abſent themſelves from their ſaid Maſters Service, ſhall be lyable to make ſatisfaction by ſervice, after the times by Cuſtom or Indenture are expired, (*viz.*) double their time of Service ſo neglected: and if the time of their Running away was in the Cropp, and the charge of recovering them extraordinary, the Court ſhall adjudge a longer time of ſervice, proportionable to the damage the Maſter ſhall make appear he hath ſuſtained. And, becauſe the adjudging the time they ſhould ſerve, is often referred until the time by Indenture is expired, when the proof of what is due is very uncertain: Be it Enacted, That the Maſter of any Run-away that intends to take the benefit of this Act, ſhall aſſoon as he hath recovered him, carry him to the next Commiſſioner, and there declare and prove the time of his abſence, and the charge he hath been at in his Recovery, which Commiſſioner thereupon ſhall grant his Certificate, and the Court on that Certificate paſs Judgment, for the time he ſhall ſerve for his abſence.

And in caſe any *Engliſh* Servant ſhall run away in company of any *Negro*'s, who are incapable of making ſatisfaction by addition of time: It is Enacted, That the *Engliſh*, ſo running away in the company with them, ſhall at any time of ſervice to their own Maſters expired ſerve the Maſters of the ſaid *Negro*'s for their abſence ſo long as they ſhould have done by this Act, if they had not been ſlaves, every Chriſtian in company ſerving his proportion; and if the *Negro's* be loſt or dye in ſuch time of their being run away, the Chriſtian Servants in Company with them ſhall by proportion among them either pay Four Thouſand five hundred pounds of Tobacco, and Cask, or four years ſervice for every *Negro* ſo loſt or dead.

CIII.

Cruelty of Maſters prohibited.

WHereas the Barbarous uſage of ſome Servants by cruel Maſters brings ſo much ſcandal and Infamy to the Country in general, that people who would willingly adventure themſelves hither, are, through fear thereof, diverted; and by that means, the ſupplyes of particular men, and the well ſeating of his Majeſty's Countrey very much obſtructed: Be it therefore Enacted, that every Maſter ſhall provide for his Servants competent diet, clothing, and lodging, and that he ſhall not exceed the bounds of moderation, in correcting them beyond the merit of their offences; and that it ſhall be lawful for any Servant, giving notice to their Maſters (having juſt cauſe of complaint againſt them, for harſh and bad uſage, or elſe for want of Diet or convenient Neceſſaries) to repair to the next Commiſſioner, to make his or their complaint; and if the ſaid Commiſſioner ſhall find by juſt proof, that the ſaid Servant's cauſe of complaint is juſt, the ſaid Commiſſioner is hereby required to give Order for the warning of ſuch Maſter to the next *County-Court*, where the matter in difference ſhall be determined, and the Servant have remedy for his grievance.

CIV.

Againſt unruly Servants.

WHereas the audacious unrulineſs of many ſtubborn and incorrigible Servants, reſiſting their Maſters and Over-ſeers, hath brought many miſchiefs and loſſes to divers Inhabitants of this Countrey: Be it Enacted and Ordained, That the Servant that ſhall lay violent hands on his or her Maſter, Miſtriſs, or Over-ſeer, and be convicted thereof by Confeſſion or Evidence of his Fellow-ſervant, or otherwiſe, before any Court in this Countrey; the ſame Court is hereby required and authorized, to Order ſuch Servant to ſerve his or her Maſter, or Miſtris, or their Aſſignes, one year after his or her time by Indenture or cuſtom, is expired. Be it Enacted, That no perſon or perſons whatſoever, for any offence committed, ſhall be adjuged to ſerve the Countrey as Colony-Servants.

CV. *Againſt*

CV.

Againſt Trading with Servants.

WHereas divers ill-diſpoſed perſons do ſecretly and covertly Truck and Trade with other mens Servants and Apprentices, who (to the great injury of their Maſters) are thereby induced and encouraged to ſteal, purloin, and imbezel their Maſter's goods: Be it therefore Enacted, That what perſon or perſons ſoever ſhall buy, ſell, trade, or truck, with any Servant for any Commodity whatſoever, without licence or conſent of the ſaid Servant's Maſter; he or they ſo offending againſt the premiſes, ſhall ſuffer one Moneths Impriſonment, without bail or main-prize; give Bond, with Security, for his good Behaviour; and alſo ſhall forfeit to the Maſter of the ſaid Servant, four times the value of the things ſo bought, ſold, trucked, or traded for.

CVI.

No Tobacco to be planted after the tenth of July.

WHereas it hath been taken into ſerious Conſideration, that the improvement of our only Commodity, Tobacco, can no wayes be effected, but by leſſening the quantity, and amending the quality; and further, that all ſtints will prove cleerly inconſiſtent with the Beeing of the Countrey, while *Mary-land* remains a diſtinct Government; unleſs of ſuch a nature as may produce both the aforeſaid effects, without abridgment of any mans endeavours, or confining him to any ſet number of Plants: For which cauſe, the Aſſembly hath Enacted, That no Tobacco be planted after the Tenth of *July*; and that whoſoever ſhall directly, or indirectly plant or replant, or cauſe to be planted or replanted, any Tobacco after the ſaid Tenth of *July*, ſhall forfeit Ten thouſand pounds of Tobacco, to the uſe of the Publique.

CVII.

No Seconds or Slips.

AND be it further Enacted, That what perſon or perſons ſoever ſhall tend, or ſuffer, or cauſe to be tended, any ſecond Tops or Slips, ſhall forfeit Ten thouſand pounds of Tobacco to the Publique.

Be it further Enacted, That what perſon or perſons ſoever, ſhall ſave, pack, or ſell, or ſend away, any ground-leaves, which are hereby required to be totally ſuppreſt, ſhall forfeit for every Hogſhead, proved to have the quantity of Five pounds of ground-leaf Tobacco in it, Five thouſand pounds of Tobacco, to the uſe of the Publique. And it is further Enacted, That the Grand Jury ſhall take particular care of the Obſervation of this Act, and ſhall make due preſentment to the *County-Courts*, of any ſuch as ſhall Plant or Tend any Tobacco contrary to the tenor hereof.

CVIII.

Improvement of Staple-Commodities.

WHereas the uncertain value of Tobacco, the Unſtapleneſs of the Commodity, and the probability of its Planting in other places, threaten this Countrey with the danger of an unavoydable Ruine, which muſt in time fall upon it, by the increaſe of the makers of it among our ſelves (who have already ſo glutted all Markets, that great quantities are yearly left in the Countrey, and that which is ſent out ſold at ſo mean and inconſiderable a Rate, as neither Merchant nor Planter can well ſubſiſt by) unleſs ſome other courſe be ſpeedily taken, for improvement of ſuch other Commodities as the Countrey will produce, and making as many of them, as we can, into Manufactures, and giving encouragement to all perſons of what ability ſoever to attempt it; which the former Acts for encouragement to make Staple-Commodities, have been defective in, by only propoſing Rewards to great quantities of every Commodity made, which, who ever goes about, muſt, if he fail, be Ruined; or, if he make the quantity propoſed, will have no need of the Gratuity, which is better to be ſuited proportionably to the meaneſt quantity: Be it therefore Enacted, That the Aſſembly, this preſent year, ſend into *England* for a conſiderable quantity of Flax-ſeed, to be diſtributed into the ſeveral Counties, and delivered to certain perſons, who may ſell it out to ſeveral Inhabitants, and the produce thereof be paid the year following, with the Levy; and the Countrey ſtock, by that means made good according to the Fifth Act of the Aſſembly, 1661. to make their proportions of Flax; and who ever will Spin the Flax, and cauſe the Yarn to be Weaved into Cloth of a yard wide, ſhall for every Yard of Cloth ſo Woven of Yarn made of Flax grown in the Countrey, have Three pounds of Tobacco: And for every yard of Woollen Cloth made of yarn here ſpun in the Country, Five pounds of Tobacco; which upon produce of a Certificate from ſome Juſtice of Peace in the County, that he hath ſeen the ſame in the Loam, and that to his knowledg it was really made in the Countrey, as aforeſaid, ſhall

ſhall upon producing the ſame to the Governour and Council, be paid ſo much in the Publique Levy in the ſame County where they dwell.

CIX.

Act for Mulbery-trees.

WHereas by experience, Silk will be the moſt profitable Commodity for the Countrey, if well managed; and whereas the greateſt conducement thereunto required, is proviſion of Mulbery-trees: Be it Enacted and Confirmed, by this preſent Grand Aſſembly. That every Proprietor of Land, within the Colony of *Virginia*, ſhall for every Hundred Acres of Land, holden in Fee, plant upon the ſaid Land Ten Mulbery-trees at twelve foot diſtance each from other, and ſecure them by weeding, and a ſufficient Fence from Cattel and Horſes, *&c.* between this and the laſt of *December* 1663. And for every Tree that ſhall be wanting, and untended, in manner aforeſaid, of the ſaid proportion at the ſaid laſt of *December*, 1663. he the ſaid Proprietour that ſhall be ſo Delinquent, ſhall pay Twenty pound of Tobacco to the Publique. Provided, that this Act do not extend to Orphans, until the expiration of Five years after their full age; and then, if Delinquent, to be liable, as aforeſaid. And no man planting more then his number, ſhall excuſe any that hath planted leſſe. Provided alſo, that this Act extend not to ſuch Proprietours as are not in Actual poſſeſſion. And becauſe his Majeſty hath taken particular notice of the great folly and negligence of the Countrey in omitting the Propagation of ſo Noble and Staple a Commodity, It is Enacted, That the Grand Jury do ſtrictly enquire into the breach of this Act, and make Preſentment thereof, that the Offenders may accordingly be puniſhed. And be it further Enacted, That for the encouragement of all perſons that ſhall endeavour to make Silk, there ſhall be allowed, in the Publique Levy, to any one, for every pound of wound Silk he ſhall make, Fifty pounds of Tobacco to be raiſed in the Publique Levy, and paid in the County or Counties where they dwell that make it.

CX.

Encouragement to build Veſſels.

FOR encouragement of building Veſſels in this Countrey, and the promoting of Trade; Be it Enacted, That whoever ſhall build a Veſſel of any Burthen, decked and fitted to go to Sea, ſhall

for every Tun-burthen the ſaid Veſſel ſhall contain, receive, upon proof of her being ſo built, Fifty pounds of Tobacco, out of the Publique Levy.

Whereas Colonel *Edmund Scarbrough* hath, to his particular great Charge, but to the infinite good of the Countrey, erected a Salt-work, for which he hath received deſerved thanks, the laſt Aſſembly; this Aſſembly, for his greater encouragement, hath thought fit to grant him the uſe of the Money raiſed this year out of the two ſhillings *per* hundred (in *Northampton*-County) with condition that he make re-payment of the ſame, to thoſe the Aſſembly ſhall allot it, the next year, in Salt at two ſhillings ſix pence *per* Buſhel, and Soap at

And be it further Enacted, That after the firſt of *September* 1663. no Maſter of Ship, Barque or Veſſel; or any other perſon, Merchant or Trader; ſhall bring in any Salt into the County of *Northampton*, under the penalty of Confiſcating his Ship, Barque or Veſſel, and Goods, to the end that he and others may be encouraged in their induſtrious endeavours, to promote the good of the Countrey.

CXI.

Tan-houſes to be erected.

BE it alſo Enacted, That according to the firſt Act of Aſſembly 1660. there be erected in each County, at the charge of the County, one or more Tan-houſes, and that they provide Tanners, Curriers, and Shoomakers, to Tan, Curry, and make the Hides of the Country into Leather and Shooes, and that the perſons intruſted with the overſight of the Workmen, and the managing the Trade, do allow to the Inhabitants of the County, for every dry hide they bring, at the rate of Two pounds of Tobacco *per* pound, and ſell their Shoos for Thirty pounds of Tobacco for plain ſhoos; and Thirty five pounds of Tobacco for Wodden-heels, and French-fals of the ſix largeſt ſizes; and Twenty pounds of Tobacco a pair for the ſmalleſt ſhooes.

CXII.

Two Acres of Corn for each Tithable.

BE it hereby Enacted, That all perſons within this Colony, ſhall plant or tend, for every Tithable perſon tending a Crop in their Family, two Acres of Corn or Pulſe, under the penalty of Five hundred pounds of Tobacco, for every Acre neglected, as aforeſaid;

to

to be paid by the Delinquent, and to be levied by the Sheriff for the Counties uſe; and the Grand Jury, in their ſeveral limits, to look ſtrictly after the breach of this Act. And, for encouragement for men to ſow *Engliſh* Wheat, which may be a Staple-Commodity to vent out of the Countrey, It is further Enacted, That the ſowing of one Acre of Wheat, ſhall excuſe the planting of the two Acres of *Indian* Corn, or other Corn or Pulſe, as this Act enjoyns.

CXIII.

Stray Horſes, &c.

FOR remedy of the great abuſe, and wrong done, in taking up of ſtray Horſes, Cattel, and Boats loſt, not only in concealing them, but in uſing and imploying them to the hurt and dammage of the Owners: Be it Enacted, by this preſent Grand Aſſembly, that every perſon or perſons that ſhall take up and keep any ſtray Horſes, Cattel, or Boats, ſhall cauſe the ſaid Horſes and Cattel with the mark, ſtature, and colour, and the ſaid Boat with her proportion, and what was found in her, to be cryed publickly in all the Churches and Chappels in the County, within one moneth after the taking them up; and in the mean time, ſecurely to lay up the ſaid Boat; and if no owner appear, upon this publique notice given, then to publiſh the ſame, and ſet it up in Writing, at the next *County-Court*, where if no owner appear, then it ſhall be lawful for him to make uſe of the ſaid Boat, untill the owner do appear, who ſhall allow him, for his pains, One hundred pounds of Tobacco.

CXIV.

Free Trade.

BE it Enacted, That Free Trade be allowed to all the Inhabitants of this Countrey, to buy and ſell at their beſt advantage; and that all Acts concerning Ingroſſing, be, from henceforth, repealed and made void. Provided alwayes, That no perſon or perſons, ſhall have any Commerce or Trade with any *Indians*, for Beaver, Otter, or any other Furs, except thoſe Commiſſionated by the Governour.

CXV.

Exportation of Hides.

WHereas the Exportation of Hides, Wooll, and Iron, is generally conceived to be much prejudicial to the Commonwealth, and good of this Colony: Be it therefore Enacted, by the authority of this preſent Grand Aſſembly, that what perſon or perſons ſoever, ſhall Export out of this Countrey, either Wooll, Hides, or Iron, ſhall, for every of their offences in ſo doing, pay as followeth *(viz.)* for every Hide, ſo Exported, the ſum of One thouſand pounds of Tobacco; and for every pound of Iron, ten pounds of Tobacco; and for every pound of Wooll, fifty pounds of Tobacco; the one half of which ſaid payments and forfeitures ſhall be paid to the Informer, and the other half to the Publique.

CXVI.

Exportation of Money.

BE it hereby Enacted, by this Grand Aſſembly, that no falſe Mony ſhall paſs for currant in this Countrey; but pieces of Eight, that are good and of ſilver, ſhall paſs for Five ſhillings currant Mony, upon penalty of twenty ſhillings to be paid by the refuſers of them. And that none ſhall Export Mony out of this Country, above the ſum of Forty ſhillings; if any ſhall exceed the ſame ſum, to forfeit double thereof.

CXVII.

Size of Virginia *Hogſheads.*

IT is Enacted, upon the complaint of divers Maſters and Merchants of Ships, againſt the incertainty and extraordinary ſize of Cask, which hath been very much prejudicial to them, that a certain ſize of all Tobacco-Cask of *Virginia* Hogſheads ſhall be as followeth (*viz.*) Forty three inches in length, and the head twenty ſix inches wide, with the bouge proportionable; and whoever ſhall make Cask of a greater ſize, ſhall pay, upon proof made to any Court (if he be a Freeman, otherwiſe his Maſter or Miſtris that imployes him) Three thouſand pounds of Tobacco, the one half to the Informer, the other half to the County where the Cask is made; and if any Cask ſhall be made of Timber not ſeaſoned, then ſuch Cask to be burnt.

CXVIII. *Againſt*

CXVIII.

Againſt private taking away Boats.

FOraſmuch as divers perſons ſuffer great damage by private and concealed taking away of Boats and *Canoos*, without licence from the owners thereof: It is enacted and confirmed, by the Authority aforeſaid, That the Commiſſioners of each *County-Court*, ſhall be hereby impowred (if required) to order and give ſatisfaction from the party ſo treſpaſſing, to thoſe injured by want of his or their Boat, Boats, or *Canoos*, Five hundred pounds of Tobacco penalty to the owner, and what damage the Boat ſuſteins.

CXIX.

Againſt Shooting.

WHereas it is much to be doubted, the Common-Enemy, the *Indians*, if opportunity ſerve, will ſuddenly Invade this Countrey, and bring it to a total Subjection of the ſame: And whereas the only means for the diſcovery of their Plots is by Alarums, of which no certainty can be had, in reſpect of the frequent ſhooting of Guns in Drinkings, whereby they proclaim and juſtifie that beaſtly Vice: Be it therefore Enacted, That what perſon or perſons ſoever, ſhall, after publication hereof, ſhoot any Guns at Drinkings or Marriages, (Burials excepted) ſuch perſon or perſons ſo offending ſhall forfeit Two hundred pounds of Tobacco, to the Publique, to be levied by diſtreſs in caſe of refuſal.

CXX.

Supply of Ammunition.

BE it Enacted, That a Provident ſupply be made of Guns, Powder, and Shot, to our own people; and this ſtrictly to be looked to by the Officers of the Militia, (*viz.*) that every man able to bear Arms, have in his houſe a fixed Gun, two pounds of Powder, and eight pounds of Shot, at leaſt; which are to be provided by every man for his Family, before the laſt of *March* next; and whoſoever ſhall fail in making ſuch proviſion, to be fined Fifty pounds of Tobacco, to be laid out by the *County-Courts* for a Common-ſtock of Ammunition for the County; the inquiry referred to the Grand Jury.

CXXI.

Againſt Exacting Millers.

WHereas by a ſecond Act of a Grand Aſſembly, *Anno* 1645. it was Ordered and Eſtabliſhed, for the reforming the great abuſe of Millers, in exacting exceſſive and illegal Toll, That no perſon or perſons uſing or occupying any Mill, ſhould take or receive for the grinding of any Grain, or exchanging it for Meal, above the ſixt part thereof for Toll: which Act hath not taken ſuch effect as was intended thereby; in reſpect, as is conceived, neither penalty was impoſed thereon upon the Offender, nor the execution thereof was given in direction to any particular Officer. It is therefore thought fit to enlarge the ſaid Act, and by vertue thereof to require all Millers, or owners of Mils, to provide by the five and twentieth day of *June* next come twelve Moneth, Stilliards, or ſtatute-weights and ſcales, by which they are to receive in, and deliver out all Grain: and that they do ſufficiently grinde & exchange the ſaid Grain, ſo brought, upon the penalty (in caſe they do exact, beyond the ſaid proportion, for grinding or exchanging, or in caſe of default of ſuch Weights or Scales, or for not ſufficiently grinding (of the ſum of One thouſand pounds of Tobacco; and that the Grand Jury enquire thereof.

CXXII.

Againſt Exportation of Engliſh Goods.

WHereas the neceſſities of this Countrey are relieved, chiefly by the Importation of Engliſh Goods, and that relief much obſtructed by many that bring in unneceſſary Commodities, and make ſale thereof for Tobacco, which they again truck for ſubſtantial Commodities, as Clothing, and the like; and by that means leave the Countrey deſtitute of its own ſupplies: It is hereby Enacted, That what perſon or perſons ſoever, ſhall, after the firſt of *June* next, export out of the Colony, any Engliſh Goods (not by him formerly exported) ſhall, upon diſcovery, forfeit ſuch Goods, and be fined the value; the one half to the Informer, and the other to the Publique.

CXXIII.

No Mares or Sheep to be tranſported.

IT is alſo Enacted, That no Mares or Sheep be tranſported out of the Countrey, upon treble the value, to be forfeited by the Offender, and by him paid; one half to the Informer, and the other to half the Publique.

CXXIV.

Againſt ſelling of Rum, but in places appointed.

WHereas the exceſſive abuſe of Rum, hath by experience been found to bring Diſeaſes, and Death to divers people, and the purchaſing thereof made by the exporting and unfurniſhing the Countrey of its own ſupplies and Staple-Commodities: It is Enacted, That what Veſſel ſoever ſhall after the firſt of *March*, 1663. (except ſuch as belong wholly to Inhabitants of this Countrey) bring in them any *Rum*, or *Pavele*-Sugar, the ſaid Veſſels, ſo bringing it in, ſhall not unload or ſell the ſame, at any place or places, but ſuch as are by Act of Aſſembly appointed Ports for the vent of the ſaid Commodities, and ſhall bring the ſame on ſhore, and enter the quantity, and pay for every Gallon of *Rum*, ſix pence Cuſtom; and for every pound of *Pavele*-Sugar, one peny; before they ſhall be permitted to ſell or diſpoſe of any part thereof.

CXXV.

Againſt ſtealing of Hogs.

WHereas the ſtealing and killing of Hogs, is a crime uſually Committed, and ſeldom or never Detected or Proſecuted, in this Colony: Be it therefore Enacted, for the better prevention thereof, That whoſoever ſhall ſteal, or unlawfully kill, any Hog which is not his own; and the ſaid fact being proved, by ſufficient Evidence; he or they ſo offending, ſhall pay to the owner of the ſaid Hog, One thouſand pounds of Tobacco, and One thouſand pounds of Tobacco to the Informer; and in caſe of Inability to pay and ſatisfie the ſaid ſums, the perſon ſo offending ſhall ſerve two years (*viz.*) one year to the right owner of the ſaid Hog, and the other to the Informer. And if any perſon be found to bring home

any Hog or Hogs ſo killed without their Ears, ſhall be adjudged a Hog-ſtealer, and to be proceeded againſt accordingly. And that ſuch perſons as ſhall receive ſuch Hogs into their Houſes, and not immediately diſcover the ſame to the next Commiſſioner, then ſuch Receiver ſhall be proceeded againſt, as if he had been an Actor in the Treſpaſs; and in caſe the owner of the Hog inform, he to have both the Fines.

CXXVI.

Maſters of Ships to provide four Moneths Proviſion.

BE it Enacted, That all Maſters of Ships ſhall be obliged hereby to provide four Months allowance of Victuals for Paſſengers at their ſetting forth from the *Downs*, or other Ports of *England*, and to give the Paſſengers ſufficient allowance of Dyet all the Voyage; and Commanders of Ships reſpectively to take care, that poor Servants do not want bedding in the Voyage: in which particulars aforeſaid, if any ſhall offend; they ſhall be lyable to grievous cenſure here, according to the merit of the offence.

CXXVII.

Concerning Paſſes.

BE it alſo Enacted & Confirmed, That no Maſter of any Ship, Veſſel, Boat, or Barque, ſhall Tranſport any perſon or perſons out of this Colony, except the ſaid perſon or perſons produce a Paſs under the hand of the Secretary or ſuch whom he ſhall depute or appoint, upon the penalty to pay all ſuch debts, as any ſuch perſon ſhal ſtand indebted to any perſon within this Colony at his or their departure, and pay a Thouſand Pounds of Tobacco to the Secretary, for his contempt. And it is further Enacted, That before any ſuch Paſs ſhall be ſigned, to any perſon, he or they ſhall bring a Certificate from the Monethly Court, where he or they reſide, that he hath ſet up his Name upon a Court-day, ten days at leaſt before his departure at the *County-Court* where he reſides; or otherwiſe, ſhall put in ſufficient ſecurity for the payment of all Debts that are due or owing from them to any perſon, within the Countrey, or his Name to be publiſhed, and ſet up at the Church-dore two Sundayes in each Pariſh in the County where it is preſumed, all perſons will be; and the Readers Teſtimonial to the Clerk, ſhall be ſufficient Warrant for him to grant a Certificate. And the Secretary and ſecurity after a year and a day to be diſcharged.

CXXVIII.

CXXVIII.

Impoſition of two Shillings per *Hogs-head.*

THis preſent Grand Aſſembly of *Virginia*, taking into ſerious Conſideration, the burthenſom and unequal way of laying Taxes by the Pole, and how they may with moſt honor, and eaſe, ſupport the Government in well paying his Majeſties Officers; and as means perhaps of introducing money, and an Encouragement to men to to produce other uſeful and beneficial commodities; have thought fit to impoſe two ſhillings *per* Hogſhead, upon every Hogſhead of Tobacco, that ſhall be ſhipped on board of any Ship or other Veſſel within *Virginia* to be exported; and the Collectors of the ſaid Impoſition to diſpoſe of no part thereof, but by Order of the Grand Aſſembly only. Be it therefore Ordained and Enacted by this preſent Grand Aſſembly, and by the Authority thereof, And it is hereby Enacted, That the Maſter and Maſters of all and every Ship and Veſſel coming to Trade in *Virginia*, ſhall upon Demand made by the Collector or Collectors, who ſhall by Order of Aſſembly, be impowred to receive the ſaid Impoſition from every Ship or Veſſel; enter into ſecurity to pay ſuch Collector or Collectors two ſhillings for every Hogſhead of Tobacco, that ſhall upon any Accompt whatſoever be ſhipped on board his Ship, or Veſſel, to be exported; the ſaid payment either to be made in Money, Bills of Exchange, or Goods at thirty *per cent.* advance, upon the price of ſuch Goods at the firſt penny; and all fraughters to be accomptable to the ſaid Maſters for the Tobacco by them ſhipped.

Be it alſo Ordained and Enacted by the Authority aforeſaid, for the Diſcovery of the Number of Hogſheads each Ship, or Veſſel contains, that the Maſter of ſuch Ship or Veſſel ſhall deliver his Boat-Swains Book to the peruſal of the Collector; And make Oath of the truth of the ſame ſo farr as he knoweth. And, that the Mate's Boat-Swain or any other Sea-man be ſworn, if the Collectors ſee cauſe, to diſcover the truth of the ſaid fraught.

And if any Maſter of Ship, or Veſſel, ſhall wittingly, or willingly conceal, any part of his fraught from the Collector. and ſhall thereof be lawfully convicted, then the ſaid Maſter ſhall forfeit for every ſuch offence the ſum of One hundred pounds ſterling, one Moiety thereof to go to the Informer, (and the other to the Publique) and be recovered by Action of Debt, Bill, or Plaint, in *General-Court*, or *County-Court*, by vertue of this Act, againſt which no Eſſoyn, Wager of Law, or Protection, to be allowed to any perſon ſo offending. Be it further Enacted, and Ordained, That if any Maſters ſhall paſs Bills of Exchange, for the ſaid Impoſition, that then the Collectors

are hereby required to take ſufficient caution of the ſaid Maſter for the true and good payment of the ſame. It is hereby alſo Ordained, and Enacted, That the Collectors of the ſeveral Rivers and Places in *Virginia*, for the receiving of the ſaid two ſhillings *per* Hogſhead, be appointed and confirmed by this preſent Grand Aſſembly, and give ſufficient ſecurity and caution for the due execution of the truſt hereby repoſed in them, and to be accomptable to the next Aſſembly, according to the tenor of this Act. And the ſaid Collectors to be allowed ten *per cent.* Salary, for collecting the ſaid Impoſition. Provided alwayes, and it is hereby Ordained and Enacted, by the Authority aforeſaid, That this preſent Act of Aſſembly be, and remain in force.

CXXIX.

Every Inhabitant in Northumberland, *and* Weſtmerland-*Counties, to give an Accompt how many Hogſheads of Tobacco they made, and to whom ſold.*

WHereas the Impoſition of Two ſhillings *per* Hogſhead cannot conveniently be levyed upon Maſters of Ships, that come into *Potomake* River, by reaſon of their Anchoring in the Dominions of the Lord *Baltemore*, whence they ſend their Sloopes and Boats to fetch the Tobacco made in this Countrey, without paying the ſaid Impoſition: Be it therefore Enacted, That every Planter inhabiting in the Counties of *Northumberland*, and *Weſtmerland*, ſhall certifie into the Collector's Office, or unto his Deputies, the Number of Hogſheads of Tobacco made by him and his Family, and to whom they are ſold, and ſhall not ſuffer any of the ſaid Hogsheads of Tobacco, to be carryed out of his Houſe until he receive Certificate from the ſaid Collector, that the Impoſition of the ſaid Tobacco is paid. And if any Planter ſhall contrary to this Act ſuffer any of his Tobacco to be carryed aboard any Ship, Boat or Sloop, without ſuch Certificate, then the ſaid Planter to be fined Twenty ſhillings for every Hogſhead ſo carryed away without Certificate as aforeſaid.

Whereas the like inconveniencies are incident to *Northampton*-County, and lower *Norfolk*, in recovering the Impoſitions of Two and Ten ſhillings *per* Hogſhead, as to the River of *Potomake*, by reaſon of the Tranſportation of much of the Tobacco made in thoſe places in Sloops to *Mary-land*. Be it Enacted, That the Provinſional Act made the laſt Aſſembly, for payment of thoſe duties in *Potomake*-River extend and be in force in the ſaid Counties of *Lower-Norfolk*, and *Northampton*, and that the Collectors appoint certain perſons to take Accompt of the Planters, according to the Tenor of this Act.

CXXX. *Pay-*

CXXX.

Payment of Fort-Duties in Accomake, &c.

WHereas there is an Act of the laſt Aſſembly providing for the ſecuring of the payment of the Two ſhillings *per* Hogſhead due to the Countrey, but no Proviſion made therein for the ſecuring the payment of Fort-Duties of *Potomake*, *Accomake*, and *Lyn-haven*, from whence they fetch their Tobacco in Sloopes: Be it Enacted, That the ſaid Act ſhall extend, as well to cauſe the Planters loading it to reſerve and make payment of three pence *per* Hogſhead for Fort-Duties of the ſaid Tobacco, as for the payment of the Two ſhillings *per* Hogſhead.

CXXXI.

Ten Shillings per *Hogſhead.*

WHereas the prudence of all Nations hath provided for the defraying the Publique neceſſary charges of the Countrey, rather by laying an Impoſition upon the Adventurers for the Staple-Commodities of the Country, by the Exportation of which the great advantage accrews, than by Taxing the perſons of the Inhabitants; this preſent Grand Aſſembly endeavouring, as much as in them lies, to eaſe the burthen of the people, and taking into conſideration, the great benefit, that accrews to other Countreys by the Cuſtoms ariſing from our Commodity Tobacco; and that *Virginia*, whoſe partilar Staple it is, hath from it, nor from the Adventurers hither, no Publique Advantage: We have thought it neceſſary and convenient, and accordingly have Enacted and confirmed, that all Maſters, Marchants of Ships and Marriners trading to *Virginia*, and not bound by Charter-Party to return and diſcharge in any of the *Engliſh* Dominions in *Europe*, ſhall pay for every Hogſhead of Tobacco, they ſhall load aboard any Ship, Barque, or other Veſſel arriving here, after the firſt of *Auguſt* next, and not bound as aforeſaid, ten ſhillings ſterling, either in Money, or good Bills of Exchange, with good caution, or in good valuable Commodities at Twenty five *per cent.* advance. Provided alwayes, That all Adventurers, Inhabitants of this Countrey, trading in bottoms belonging to *Virginia* Owners; ſhall be free from the ſaid Impoſition; It tending to the Advancement of Trade here, the Encouragements of the Inhabitants to purchaſe Veſſels, and of Marriners to make this their place of Reſidence.

CXXXII.

Caſtle-Duties to be paid.

WHereas the Caſtle-Duties granted by his Majeſty to Colonel *Francis Morriſon*, Captain of the Fort at *Point-Comfort* are rendred of no value by the charge of Boat and Hands going to Collect them, and the inconſiderableneſs of the Commodities they are paid in, being commonly the reffuſe of their Cargoe; Be it therefore Enacted, That all Maſters of Ships, and other Veſſels, being thereunto required by the Officer appointed by the ſaid Colonel *Moriſon*, ſhall give in a true burthen of their Ships, or Veſſels: and the liſts of their Paſſengers; at ſuch convenient places, and to ſuch perſons as the ſaid Colonel *Morriſon*, ſhall in each River appoint, upon Oath to be Adminiſtred by his ſaid Collector or Officer, if a Commiſſioner; or elſe by any one or two Commiſſioners. And if any Maſter ſhall make falſe Entry either of his burthen or liſt of Paſſengers, then he ſhall, upon proof thereof made, pay treble duties for the number of paſſengers or quantity of Tuns concealed, the ſame to be recovered out of the Eſtate of the Maſter ſo offending. And the like penalty upon all ſuch Maſters as ſhall without coming into harbour fetch away their loading in Sloops or Boats. And what Maſter ſoever ſhall not pay his Duties in kind, being half a pound of Powder, and three pounds of leaden ſhot, *per* Tun, and ſix pence *per* Poll for every perſon imported, not being a Marriner, that then he ſhall pay in lieu thereof one ſhilling *per* Tun, and ſix pence *per* Poll either in Money or Goods, as they coſt at the firſt penny. And that the Collectors thereof tranſmit the ſaid Entries of Ships and Paſſengers under the hand of the ſaid Maſters to the ſaid Colonel *Morriſon* to be by him Recorded in his Fort-Book, as formerly hath been accuſtomed.

CXXXIII.

Ships to come up to James-*City.*

WHereas the Kings Majeſties frequent Inſtructions hath commanded that all Maſters of Ships arriving in this Countrey ſhould, before they break Bulk, bring up their Ships to *James-City*, which, by reaſon of the ſeating of the Inhabitants in divers Rivers

Rivers cannot without much prejudice to the ſaid Maſters extend to all parties of the Countrey; yet that his Majeſties commands may as much as in us lyeth be effectually obeyed; We the Governour, Councel, and Purgeſſes of this Grand Aſſembly, have thought fit to Enact, And be it Enacted by the Authority aforeſaid, That all Ships whatſoever ariving in *James-River*, do accordingly with the firſt fair wind and weather, after their arrival, bring up their Ships to *James*-City, and there make Entry of their Ships, take out Licence to Trade, and perform ſuch other things as they ſhall be there certified, the Laws of the Countrey do enjoyn them.

CXXXIV.

Priviledg of Virginia-*Owners.*

WHereas ſome doubts have ariſen about the priviledge of *Virginia*-owners, and their Exemption from the payment of the Duties of two and ten ſhillings *per* Hogſhead: Be it Enacted and Declared, That the ſaid Priviledge is granted only to the Owners and Adventurers in ſuch Veſſels as ſolely and wholly belong to the Inhabitants of this Countrey; and not to ſuch perſons as are only Partners of Veſſels whoſe othet partners dwell in other Countries, and the Governor be Judge of ſuch Proprieties, and certifie the ſame to the Collectors.

CXXXV.

A Publike Notary appointed.

WHereas for want of a Publique Notary the Certificates and other Inſtruments to be ſent out of this Countrey have not that credit given them in forreign parts as duly they ought: Be it therefore Enacted, that *Henry Randolph* Clerk of the Aſſembly, be authorized and ſworn a Publique Notary for this Countrey. To whoſe atteſtation at home and abroad, we deſire all credence may be given.

CXXXVI.

Acts concerning the Indians.

WHereas the mutual Diſcontents, Complaints, Jealouſies and Fears of Engliſh and *Indians*, proceed chiefly from the violent Intruſions of divers Engliſh made into their Lands, forcing the *Indians*, by way of Revenge, to kill the Cattel and Hogs of the Engliſh; and by that means Injuries being done on both ſides, Reports and Rumours are ſpread of the Hoſtile Intentions of each to others, tending infinitely to the diſturbance of the Peace of His Majeſtie's Country: And whereas the Laws prohibiting the Purchaſe of any *Indian*'s Lands (unleſs acknowledged at *General Courts* or Aſſemblies; by reaſon it is as eaſie to affright them to a publick, as well as a private acknowledgement) are made fruitleſs, and ineffectuall; corrupt Interpreters often adding to this miſchief, by rendring them willing to ſurrender, when indeed, they intended to have received a Confirmation of their own Rights and a Redreſs of their wrongs; which miſchiefs had they continued, muſt needs have involved the Country into an inevitable and deſtructive Warr. For Remedy of which Inconveniences, and that, for the future, a ſure equitable peace may be eſtabliſhed, the Governour, Council, and Burgeſſes out of their tender care of Juſtice and the Peace of this His Majeſtie's Country, have enacted, ordained, and confirmed, and do by theſe Preſents, enact, ordain, and confirm, That, for the future,

No *Indian* King, or Other, ſhall upon any pretence, alien, or ſell; nor no Engliſh, for any cauſe or conſideration whatſoever, purchaſe or buy any Tract or Parcel of Land now juſtly claimed, or actually poſſeſſed, by any *Indian* or *Indians* whatſoever: All ſuch bargains and ſales hereafter made, or pretended to be made, being hereby declared to be invalid, void, and null; any Acknowledgement, Surrender, Law or Cuſtom formerly uſed to the contrary notwithſtanding. And further, That the *Indian*'s Properties in their Goods, be hereby aſſured and confirmed to them; and their Perſons ſo ſecured, that, whoever ſhall defraud, or take from them their Goods, or do hurt or injury to their Perſons, ſhall make ſuch ſatisfaction, and ſuffer ſuch Puniſhments, as the Laws of *England*, or this Country, do inflict, if the ſame had been done to an Engliſh man.

And be it further enacted, That what Engliſhman hath already contrary to the Laws formerly in force, for ſurrendring and acknowledging *Indian*'s Lands, made Incroachments, or ſeated upon them, ſhall, if they make not good proof of their Title, upon Complaint made, be, by Order directed to the Sheriff to execute, removed from

from their Seats of Land thus wrongfully incroached; and all Houſes by them built upon the ſaid Lands, be demoliſhed and burned.

And be it further enacted, That all Engliſh Men, having by ſurrenders made at *Quarter-Courts* or Aſſemblies, procured a colourable Right to any Land by the ſaid Engliſh now ſeated within three Miles of any *Indians*, for prevention of the Injuries done to the *Indians*, by the ſaid Engliſhmens Hogs and Cattel, ſhall ſend ſuch Number of hands, as they ſhall be appointed by Commiſſioners, to be authorized by the Governour, to help the *Indians* to fence in a Corn-field, proportionable to the Number of Perſons, the ſaid *Indian* Town doth conſiſt of; and that after ſuch fence once made ſufficiently, according to Act of the Aſſembly, if the *Indians* keep it not in repair, what damages ſoever they ſhall afterwards ſuſtain, ſhall be at the hazard, and ſole loſs, of them the ſaid *Indians*.

And be it further enacted, That for the better relief of the poor *Indians*, whom, the ſeating of the Engliſh, hath forced from their wonted Conveniencies of oyſtering, fiſhing, and gathering Tuchahoe, Cortenions, and other Wild-Fruits, by which they were wonted for a great part of the Year, to ſubſiſt: Be it therefore enacted, granted, and confirmed, That the ſaid *Indians*, upon Addreſs made to two of the Juſtices of that County, they deſiring to oyſter or gather Wild-Fruits in, as aforeſaid, they the ſaid Juſtices ſhall grant a Licence to the ſaid *Indians*, to oyſter, or gather Wild-Fruits, as aforeſaid: Provided, the ſaid Juſtices limit the time the *Indians* are to ſtay; and the *Indians* bring not with them any Guns, or Ammunitions, or other offenſive Weapons, but only ſuch Tools or Implements, as ſerve for the end of their coming. And if any Engliſhman ſhall preſume to take from the *Indians* ſo coming in, any of their Goods, or ſhall kill, wound, or main any *Indian*, he ſhall ſuffer, as if he had done the ſame to an Engliſhman, and be fined for his Contempt.

And becauſe many under-hand and unlicenſed Traders do truck and Trade with the *Indians* (contrary to the Act of Aſſembly, and to the great prejudice of all ſuch, as legally procure Commiſſions from the Governour) under pretence, that the things trucked for, be given them by the *Indians*: Be it therefore enacted, That what Perſons ſoever, ſhall, upon any pretence whatſoever, buy, take, or receive any thing or commodity from an *Indian*, ſhall, upon proof thereof at any *Court*, be ordered to pay treble the value of the thing received, to the Perſon injured thereby.

And becauſe ſometimes Differences may ariſe between the *Indians*, and thoſe they trade with, which, if we ſhould proceed by way of Arreſt, might tend much to the Diſturbance of the peace of the Country: Be it therefore enacted, That any Commiſſionated Trader, having a difference with any *Indian* King, or Other, ſhall repair to to the Governour for him, or ſuch other as he ſhall appoint, to determine the matter in controverſie between them.

And becauſe the Impriſonment of an *Indian*, may bring a War upon the Country; and conſequently, the making of Peace and War, being wreſted out of thoſe hands, it is, by his Majeſtie's Commiſsion, intruſted into the power of every Individual in the Country: Be it therefore enacted, That no Perſon of what quality ſoever, preſume to Impriſon any *Indian* King, without a ſpecial Warant from the Governour, and two of the Council, as they will anſwer the contrary at their utmoſt peril.

And becauſe this Act cannot be put in Execution without Commiſsioners, to view the preſent Bounds of the Engliſh and *Indians*: Be it therefore enacted, That the Honourable Governour be deſired and authorized to appoint unintereſted Perſons, Commiſſioners, to go, with Parties of Horſe, to the ſeveral *Indian*-Towns; and there to proclaim theſe and the following Articles of Peace between Us and the *Indians*; to ſettle the Bounds between us; and to appoint others of the moſt integrity, to fix the time, and aſſeſs the work; to help the *Indians* Fence, and all other things by this Act enjoyned; and, for prevention of future Intrenchments beyond the bounds once fixed, Be it further enacted, That the Governour be deſired and authorized to Commiſsionate certain Perſons annually to viſit the ſame and to take care, that no Intrenchment be hence forth made upon the *Indians*.

And becauſe an Interval between the *Indians* cannot, in the preſent nearneſs of ſeating, be ſo laid out, as may wholly ſecure the Engliſh from the *Indians* coming in, and pilfering things from them, if a free intercourſe be admttied: Be it therefore enacted, for prevention thereof, and to the end, that the Nations may be diſtinguiſhed; and ſo, if they are taken in the manner of doing any Injuries, the ſufferers know to what Kings to addreſs themſelves for remedy; That Badges (*viz.* Silver-Plates, and Copper-Plates, with the name of the Town graved upon them) be given to all adjacent Kings, within our Protection. And that all the ſaid Kings give it in Charge to their people, that none of them preſume, upon what occaſion ſoever, to come within the Engliſh bounds, without thoſe Badges upon them, or one with a badge in their Company; and if any Damage or Injury be done to any Engliſhman, by them, or any of them, that then the King, or Great man of the Place, the badges denote, ſhall be anſwerable for it. And, if any ſhall, notwithſtanding this Injunction, be found in our bounds, without any ſuch badge, or not accompanied with one that ſhall have them; that then it ſhall be lawful for any Engliſhman, to carry him, or them, before any Juſtice of the Peace, who ſhall keep him, or them in ſafe Cuſtody, until their King, or Great-man, ranſome them by paying one hundred Arms length of Roranoke, for each *Indian* ſo taken, to be diſpoſed of by the Publick: Provided alwayes, That if any Engliſhman ſhall be found, or proved, to have taken away any of their Badges,

thereby

thereby to make the *Indians* guilty of breaking this Law; that then the Perſon ſo offending, ſhall be ſet in the Pillory two hours on the *Court*-day, in the County where they have committed the Offence, with their Fault in Great Letters written upon them; and to be fined Five Thouſand Pounds of Tobacco, to the uſe of the Publick; and, in caſe of diſability, lye ſix Months in Priſon without Bail or Main-prize.

And be it further Enacted, That all *Indian* Kings, Tributary to the Engliſh, when they have the leaſt notice of any March by any ſtrange *Indians*, neer our Quarters, ſhall repair themſelves, or at leaſt, ſend ſome one of their Great-men to the next of the *Militia*, which ſhall be nominated and appointed by the Governour, for that purpoſe; and acquaint him, with as much as they know, concerning the Nation, the Numbers, and which way, they conceive, they will bend their Courſe. And, if they then ſhall deſire any aid from us, to ſecure them, that a Party be ſent preſently out by the Colonel of the *Militia*, to that purpoſe; which by this Our Aſſiſtance and Reciprocal care, will make them and us have an equal Intereſt in others preſervation; while on the other ſide, we being ignorant of the Marches of Forreiners, impute all Damages, we then receive, which is then commonly moſt to our Neighbours, how Innocent ſoever.

And be it further enacted, That if any *Indian* by the Inveighling of any Engliſh, or of his own will, ſhall without leave of the King, or Great-man of the place, come within the Bounds limited them, and there procure harbour or entertainment, it ſhall be lawful for any Engliſhman, to take the ſaid *Indian*, and convey him to his Town to be puniſhed; and to recover of the Engliſhman, that harboured or entertained him, ſo much *per* day, as by the Law for entertaining other Run-awayes, is recoverable.

And be it further enacted, That what Engliſhman, Trader, or Other, ſhall bring in any *Indians*, as Servants, and ſhall aſſign them over to any other, ſhall not ſell them for Slaves, nor for any other time, then Engliſh of the like ages, ſhould ſerve by Act of Aſſembly.

And becauſe heretofore many entertained *Indians* by Licenſes of particular Perſons, who did much Damage to their Neighbours; Be it henceforth enacted, That no Perſon of what quality ſoever, ſhall entertain any of our Neighbouring *Indians*, as ſervants, or otherwiſe, unleſs by a Licenſe obtained from the Governour himſelf, upon their Obligation, that deſire it, to be anſwerable for all the Injuries and Damages, that the *Indians*, by them entertained, ſhall do to any Engliſh.

CXXXVII.

Clerks Fees to be paid.

WHereas by a former Act of Aſſembly, Clerks of Courts were made uncapable of recovering their Fees, after they had been two years Due: Be it enacted, That the ſaid Act be repealed; and that all their Accounts ſhall be three years pleadable. And that hereafter, all Sheriffs, or Collectors, ſhall either receive, diſtrain for, or ſecure by Bill, all Secretary, or Clerk of Courts Accounts, delivered them, and be allowed ten *per cent.* for what is received; and five *per cent.* for what Bills are taken. And the Sheriff, or other Collector, not receiving or ſecuring, as aforeſaid, to be reſponſible for the Account omitted: Provided, that they, the ſaid Sheriff, or Collectors, ſhall not be lyable for the Account of any Perſon removing out of the County, before the laying the levy, unleſs they receive the Levies, or Sheriff's Fees: And then to be accountable for the Clerk's Fees alſo: Provided alſo, That the Clerks deliver, or ſend their Accounts atteſted under their hands, to the ſaid Sheriff or Collectors, within four dayes after, laying the Levy in their ſeveral Counties.

The Secretarie's Fees.

Be it enacted and confirmed by this preſent Grand Aſſembly, That the Secretarie's Fees ſhall be as followeth (*viz.*)

	lb *Tobac.*
Inprimis For a Pattent and Recording it	0080
For a Commiſſion of Adminiſtration, and Recording it	0060
For a Probate, and Recording it	0060
For a Commiſſion to Trade	0050
For a Depoſition	0015
For a Bond, and Recording it	0040
For a Copy of a Pattent	0030
For Recording a Letter of Attorney	0030
For Recording a Will	0030
For a Common Warrant	0015
For an Order	0015
For a Copy of an Order	0015
For Recording a Bill or Receipt--	0010
For an Execution	0030
For a Paſs	0030
For a Subpœna	0015
For a Petition, if writ	0015

For

For a Certificate for Land	0015
For a Copy of an Act of Aſſembly	0015
For Recording a Bill of Sale, or ſuch like	0030
For a Commiſſion for the Militia or Court	0050

County-Court Clerks-Fees.

Be it alſo further enacted, That the *County-Court* Clerk's Fees be, as followeth, (*viz.*

	lb *Tobac.*
Inprimis For an Action	0008
For Entring an Order	0008
For the Copy of an Order	0008
For an Execution	0015
For an Attachment	0015
For a Depoſition	0010
For a Copy of a Depoſition	0010
For Adminiſtrations and Probates, both at-	0060
For a Subpœna	0010
For a Petition, if they write it	0010
For Entry of a Petition	0003
For a Certificate for Land	0020
For any other Certificate	0010
For Recording of any buſineſs, Orphans excepted,	0020
For Recording Inventories and Conveyances	0030
For a *Scire facias* in any Court	0010

And if any thing elſe be done by them, than what is here expreſſed, the Commiſſioners to adjudge the Fee.

The Sheriff's Fees.

Be it alſo enacted, That the Sheriff's Fees ſhall be as followeth, *viz.*

	lb *Tobac.*
Inprimis for an Arreſt	0010
For Bond	0005
For going into Priſon	0010
For whipping	0020
For Pillory	0020
For ſerving a Subpœna	0010
For ſerving an Execution, if under 100 pounds of Tobacco	0010
If above one hundred to five hundred	0020
If above five hundred to one thouſand	0040
If unto two Thouſand	0060

If above Two Thouſand, Ten Pounds *per* Thouſand.

For Summoning and Impannelling a Jury for every Cauſe, Twelve pounds of Tobacco; and for every perſon ſummoned five pounds of

of Tobacco. Attachments, as for Arrests, and if further trouble to be allowed by the Court.

And whereas some of the Sheriffs Fees, upon Execution, have heretofore seemed to have been Arbitrary; this Assembly hath thought fit to ascertain them, and to Enact, that he shall have, for summoning every Apprizer, Ten pounds of Tobacco, and the Apprizer to have Thirty pound of Tobacco, *per* cause, if they finish it in one day; and 30 *per* day, if they are longer about it.

The Clerk of the Assemblies Fees.

Be it Enacted, by this present Grand Assembly, that the Clerk of the Assemblies Fees, shall be as followeth, (*viz.*)

	lb *of Tobacco.*
Imprimis for Entry of a cause by return, plea, or Petition	0020
For an Order, and Copy of an Order	0020
For Denyzation	0050
For Naturalizing	0050
For County Courts Commissions	0050
For *Militia* Commissions, if granted by Assembly	0050
For Coppying the Acts of every Assembly	0300
For the whole body of the Acts writing	0300

For attesting Act of Assembly. Coppying Answer and Replies.

CXXXVIII.

Interpreters made for the Country.

WHereas Colonel *John Flood*, hath long and faithfully served this Countrey, in the Office of an Interpreter, and being now deceased: It is Enacted, That *Thomas Flood*, Son to the said Colonel *John Flood*, shall be received in the place of his Father; and that *Henry Newcombe* be likewise made Interpreter for the *Norwood*.

This is a true Copy of the Acts of Assembly now in force, and agreeth with the Original in the Records.

Teste Henr° *Randolph, Cl*° *Assem.*

FINIS.

The Title and Number of the Acts, in order as they are PRINTED.

Act.		Page.
1.	CHurch to be built, or Chappel of Ease	2
2.	Veſtries appointed	3
3.	Glebes to be laid out	ibid.
4.	Miniſters to be Inducted	ibid.
5.	Miniſters to provide Readers. 31. 1661.	4
6.	Liturgy to be read	ibid.
7.	Church Catechiſm	ibid.
8.	Miniſters to Preach weekly	5
9.	Sundayes not to be prophaned	ibid.
10.	The 30th. of January to be kept a Faſt	6
11.	The 29th. of May to be kept holy	ibid.
12.	None to be Married but by Miniſters, nor by them but by Licence or Publiſhing the Banes	ibid.
13.	Church-wardens to make Preſentment	7
14	Burial of Servants, or others, privately; Prohibited	ibid.
15.	Church-wardens to keep the Church in Repair, and provide Ornaments,	8
16.	Regiſters to be kept by the Miniſters or Readers	ibid.
17.	Licences for Marriage how to iſſue	9
18.	Proviſion for a Colledge	10
	Propoſitions by the Governor, Whereas an Antient, &c.	ibid.
19.	Courts	11
20.	Actions to be Proportioned	13
21.	Courts to ſit from Eight to Eleven of the Clock in the Forenoon: from One to Three, after Noon	ibid.
22.	The Plaintiff to file his Declaration three days before the day of hearing	14
23.	Adjournment to the two laſt days for Determination of References by Aviſare Volumus, or Action entred in Court time	ibid.
24.	Criminal Cauſes to be tryed at the General-Courts	15
25.	The Governor, and two of the Council, to go the Circuit	16
26.	Appeals, how to be made	ibid.
27.	Amerciaments in the General-Courts	17
28.	Subpæna's to be iſſued by the Clerk	18
29.	Dedimus Poteſtatem, how to iſſue	ibid.
30.	Penalties for non-apperance of Evidences	19
31.	County-Courts appointed	20

The Table.

Act.		Page.
32.	*No Arrest without entry of Action*	21
33.	*The Defendant to put in his Answer*	ibid.
34	*Form of entring the Court*	ibid.
35.	*Court not to take Cognizance, of any thing under two hundred pounds of Tobacco*	22
36.	*Private Courts prohibited*	ibid.
37.	*Tryals by Juries*	23
38.	*Grand-Juries to present Offenders*	ibid.
39.	*Pillories to be erected in each County*	24
40.	*Fines to be disposed of by the Assembly*	ibid.
41.	Supersedeas *by whom, and how, grantable*	25
42.	*Prisons to be built in each County*	ibid.
43.	*Dwellers within the Rules of any Prison, not to have the benefit thereof*	26
44.	*Sheriff to be chosen in the Commission*	ibid.
45.	*Sheriffs not making return*	27
46.	*Sheriffs to take Bail*	ibid.
47.	Non est inventus	28
48.	*Apprizement of Goods*	ibid.
49.	*No Commissioner, Clerk, or Sheriff to be Atturnies in the Court where they Officiate*	29
50.	*Publication of Writs for Election of Burgesses*	30
51.	*Publique Levies to be first paid*	ibid.
52.	*The Sheriff, upon the instance of the Treasurer, or his Deputy, to Collect the Quit-Rents*	31
53.	*List of Tithables how to be taken*	ibid.
54.	*What Persons are Tithable*	32
55.	*Counsellours and ten persons to be exempted out of the Levy,*	ibid.
56.	*Artificers not planting Tobacco, to be freed from paying Levy,*	ibid.
57.	*Counsellour to raise a Levy*	33
58.	*No Arrests to be made on Sabbath-dayes*	ibid.
59.	*Reward for killing of Wolves*	34
60.	*Commissioners to take Security of Sheriffs*	ibid.
61.	*Judgment before Commissioners*	35
62.	*Persons removing into the* Bay	ibid.
63.	*English Weights and Measures*	36
64.	*County-Courts to grant Probates and Administration*	37
65.	*Administrations to whom to be granted*	ibid.
66.	*Concerning Orphans*	38
67.	*Orphans Land, not to be Aliened*	40
68.	*Grants of Land*	ibid.
69.	*Deserted Land*	41
70.	*Seating upon others Dividents*	ibid.
71.	*Not to Shoot or Range upon other mens Lands*	42
72.	*Lands five years in possession*	ibid.
73.	*Against*	

The Table.

Act.		Page.
73.	*Againſt fraudulent Conveyances*	43
74.	*Quit-Rents how to be paid*	44
75.	*Surveyors of Land*	ibid.
76.	*Land to be plainly Marked and Bounded*	45
77.	*What Fences ſhall be ſufficient*	ibid.
78.	*Bounds of Lands to be every four years renewed by the view of Neighbourhood*	46
79.	*Surveyors for High-wayes*	47
80.	*Tobacco when to be demanded*	48
81.	*Judgments and Specialties, how long pleadable*	ibid.
82.	*Atturnies for buſineſs out of* England	49
83.	*Burgeſſes*	ibid.
84.	*Burgeſſes Aſcertained*	59
85.	*Burgeſſes charges to be aſcertained*	ibid.
86.	*Burgeſſes to appear upon the day*	ibid.
87.	*Burgeſſes not to be Arreſted*	51
88.	*No Order to contradict an Act*	ibid.
89.	*Aſſemblies to enquire after the breach of Laws*	52
90.	*Publique Letters how to be conveyed*	ibid.
91.	*Divulgers of falſe News*	53
92.	*Chirurgions Accompts Regulated*	ibid.
93.	*Chirurgions Accompts pleadable after the deceaſe of the party,*	54
94.	*Diſcounts to be made in Courts*	ibid.
95.	*Accompts againſt dead mens Eſtates*	ibid.
96.	*Ballancing Accompts of deceaſed perſons*	55
97.	*Ordinary-Keepers how to ſell*	ibid.
98.	*Servants how long to ſerve*	56
99.	*Againſt Secret Marriage*	57
100.	*Againſt Fornication*	ibid.
101.	*Hired Servants*	58
102.	*Run-awayes*	59
103.	*Cruelty of Maſters Prohibited*	60
104.	*Againſt unruly Servants*	ibid
105.	*Againſt Trading with Servants*	61
106.	*No Tobacco to be planted, after the tenth of* July	ibid.
107.	*No Seconds or Slips*	ibid.
108.	*Improvement of Staple-Commodities*	62
109.	*Act for Mulbery-Trees*	63
110.	*Encouragement to build Veſſels*	ibid.
111.	*Tan-houſes to be erected*	64
112.	*Two Acres of Corn for each Tithable*	ibid.
113.	*Stray Horſes*	65
214.	*Free Trade*	ibid.
115.	*Exportation of Hides*	66

116. *Expor-*

The Table.

Act.		Page.
116.	*Exportation of Money*	66
117.	*Size of* Virginia *Hogsheads*	ibid.
118.	*Against private taking away Boats*	67
119.	*Against Shooting*	ibid.
120.	*Supply of Ammunition*	ibid.
121.	*Against exacting-Millers*	68
122.	*Against Exportation of English Goods*	ibid.
123.	*No Mares or Sheep to be transported*	69
124.	*Against selling of Rum, but in places appointed*	ibid.
125.	*Against Stealing of Hogs*	ibid.
126.	*Masters of Ships to provide four Moneths Provision*	70
127.	*Concerning Passes*	ibid.
128.	*Imposition of two shillings* per *Hogshead*	71
129.	*Every Inhabitant in* Northumberland *and* Westmerland *Counties, to give an Accompt how many Hogsheads of Tobacco they made, and to whom disposed*	72
130.	*Payment of Fort-Duties in* Accomake, *&c.*	73
131.	*Ten shillings* per *Hogshead*	ibid.
132.	*Castle-Duties to be paid*	74
133.	*Ships to come up to* James-City	ibid.
134.	*Priviledge of* Virginia-*Owners*	75
135.	*A Publique Notary appointed*	ibid.
136.	*Acts concerning the* Indians	76,77,78,79
137.	*Clerks fees to be paid*	80
	The Secretaries Fees	ibid.
	County-Court Clerks Fees	81
	The Sheriffs Fees	ibid.
	The Clerk of the Assemblies Fees	82
138.	*Interpreters made for the Countrey*	82

FINIS.